TETITION FOR ZONING VARIANCE 84-3/1-4 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petiti for a (302) 400.1 to permit an existing accessory structure to be within (9") to the side and 0" to the rear property line instead of the required 2.5 ft./ and section 400.3 to permit an average height of 10th instead of the required 15 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. Winter storage of shore exterior and boat materials due to loss of back lot 2. Storage of tools and material for resident 3. For beach house and represtion Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser Legal Owner(s): (Type or Print Name (Type or Print Name) Mary M. Class City and State Attorney for Petitioner: William D. Hooper, Jr. (Type or Print Name) 125 N. Main Street Name, address and phone number of legal owner, contract purchaser or representative to be contacted Bel Air, Maryland 21014 City and State Attorney's Telephone No.: ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _______, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of ___ May **A**• M. Rescheduled: Monday, July 2, 1984 at 1:30 P.M. BAITIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Euilding 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this day of May Zoning Commissioner Fetitioner Ms. Mary Clark

retitioner's

ZONING PLANS ADVISORY COMMITTEE PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE Arnold Jablon TO Zoning Commissioner Date April 20, 1984 Norman E. Gerber, Director FROM Office of Planning and Zoning Mary M. Clark SUBJECT 84-311-A There are no comprehensive planning factors requiring comment on this petition. Office of Planning and Zoning NEG/JGH/sf

COUNTY OFFICE BLDG. 111 W. Chasapeake Ave. Towson, Maryland 21204 Ms. Mary Clark 8418 Cove Road oΣo Baltimore, Maryland 21222 Nicholas B. Commodar RE: Item No. 249 - Case No. 84-311-A Petitioner - Mary M. Clark Variance Petition MEMBERS Bureau of Dear Ms. Clark: Engineering Department of The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The Traffic Engineering State Roads Commi following comments are not intended to indicate the appro-Bureau of Fire Prevention priateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. Health Department Project Planning Building Departmen Board of Education In view of your proposal to legalize the existence of the second floor of the existing "shed", this hearing is Industrial required. It should be noted that this structure could not be used as another living unit. Particular attention should be afforded to the comments of the Department of Permits and Licenses. Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly. Very truly yours, Bechales & Commeden for NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee NBC:bsc Enclosures

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 26, 1984

. •----BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204 HARRY J. PISTEL, P. E. DIRECTOR May 4, 1984

Mr. Armold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Re: Item #249 (1983-1984) Property Owner: Mary M. Clark N/ES Cove Rd. 445' E. from centerline Stansbury Road extended cres: 50/50 X 172/195 District: 12th

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject

Cove Road, an existing public road, is proposed to be further improved in the future on the 40-foot right-of-way with an ultimate standard type roadway

The entrance locations are subject to approval by the Department of Traffic Engineering.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Chairman, Zoning Plans

Advisory Committee

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #249 (1983-1984) Property Owner: Mary M. Clark May 4, 1984

Storm Drains: (Cont'd)

The property to be developed is located adjacent to tidewater. The Petitioner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential and commercial developments.

Water and Sanitary Sewer:

There is an 8-inch public water main and 8-inch public sanitary sewerage in Cove Road.

> Very truly yours, Robert a - Troston . For ROBERT A. MURIUN, P.L., Chief Bureau of Public Services

RAM: EAM: FWR:ss

E-SW Key Sheet 17 SE 24 Pos. Sheet SE 5 F Topo 103 & 104 Tax Maps

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING TOWSON, MARYLAND 21204

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Zoning Advisory Meeting of 3/27/84
Item # 249 Property Owner: MARY M. CLARK Location: N/E/S COVE RD. 445' E. OF-STANSBURY RD. EXT.

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

> There are no site planning factors requiring comment.
>
> A County Review Group Meeting is required.
>
> A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
>
> This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.
>
>)A record plat will be required and must be recorded prior to issuance of a building permit.)The access is not satisfactory.
>)The circulation on this site is not satisfactory.
>)The parking arrangement is not satisfactory.)Parking calculations must be shown on the plan.
>)This property contains soils which are defined as wetlands, and development on these soils is prohibited.
>
> Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
>)Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
>)The amended Development Plan was approved by the Planning Board

on
)Landscaping should be provided on this site and shown on the plan.
)The property is located in a deficient service area as defined by
Bill 178-79. No building permit may be issued until a Reserve
Capacity Use Certificate has been issued. The deficient service

The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.)Additional comments:

O 3

The Petitioner presented no testimony regarding the need for such a height and why it would be a practical difficulty not to comply with the requirements of Section 400.3. There is no need to determine whether the conditions precedent as delineated by Section 307 have been satisifed for the rear and side yard setbacks. However, it is necessary to make this determination for the height of the shed, and the Petitioner has failed to meet the standard of proof established therein.

It must be pointed out that while it is possible to build onto the side of the existing shed by raising the finished floor of the addition approximately $2\frac{1}{2}$ feet above that of the existing shed, there was no testimony presented by the Petitioner why this would be impossible.

The Court of Special Appeals has held that a variance relating to certain "area" restrictions, as distinguished from restrictions on the use of the property, must be judged under the "practical difficulty" test. Anderson v. Bd. of Appeals of Town of Chesapeake Beach, 22 Md. App. 28 (1974). See Bd. of Adjustment, Etc. v. Kwik-Check Realty, 389 A.2d 1289 (Del. Supr., 1978). As noted in Anderson, the factors to be considered under this test in determining whether a

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

variance should be granted are:

whether the grant would do substantial injustice to applicant as well as other property owners in district or whether a lesser relaxation than that applied for would give substantial relief; and

whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

If property cannot be re sonably adapted to use in conformity with zoning may be of inance restrictions because of unique circumstances, any hardship may be

relieved through the variance procedure. However, if the unusual circumstances which hinder reasonable use of the property in accordance with zoning restrictions have been caused or created by the property owner or his predecessor in title, hardship cannot be demonstrated since it is essentially self-created and not due solely to the manner of the operation of the ordinance upon the subject property

Any petitioner who seeks a variance must exercise proper diligence in ascertaining zoning ordinance requirements to avoid a resultant hardship before he acquires the property. If such diligence is not exercised, the hardship must be regarded as self-created and a variance can be properly refused. Wilson v.

Mayor and Commissioners of Elkton, 35 Md. App. 417 (1977).

The Petitioner's problem here is a personal one, not a problem inherent in the land itself or in the application of the BCZR to the land. Such personal problems are generally not appropriate subjects for relief by way of the variance procedure. See 3 Anderson, American Law of Zoning, Section 18.53 (2nd Edition, 1977).

The Petitioner certainly did not exercise the appropriate diligence that is required. Notwithstanding the testimony presented, there is insufficient evidence to permit a finding that the hardship or difficulties to be experienced if the requested variances were denied will be caused by the zoning restrictions thich relief is sought.

wen though there are other accessory structures on waterfront properties in this area, Section 400.1 is clear and unambiguous, i.e., accessory structures must be in the rear. "We hold that the sole basis for denying the variance is that no substantial evidence of hardship was introduced. Without this prima facie showing issues of the effect on the community are not relevant." In the Matter of Eric R. Bragg, et al, Bd. of Appeals of Balto. Co., Case Nos. 83-245-A

- 7 -

The Petitioner could easily have built her addition to the side of the shed. There was no testimony that to build the addition to the side, approximately 2½ feet above the existing shed, would be too burdensome. Indeed, it would seem that the sole reason for refusing to do so would be that construction had already begun and the cost would be too great. Such reasoning is not sufficient. It is true and uncontroverted that there are other two-story accessory structures in the area but that fact is immaterial here.

An alternative does exist, notwithstanding the existing, illegal addition.

The Petitioner can still make use of her property for the purpose intended. Her enjoyment would in no way be diminished by the placement of the addition else-

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons given above, the requests for side and rear yard variances should be dismissed and the height variance should not be granted. Thus, if the Petitioner can reduce the height of the structure to 15 feet, the addition may remain, subject to certain conditions.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ________ day of October, 1984, that the variances to permit a side yard setback of nine inches and a rear yard setback of zero feet instead of the required 2½ feet for an existing accessory structure are hereby DISMISSED and the variance to permit an average height of 18 feet 4 inches instead of the required 15 few is hereby DENIED. However, the addition may remain, subject to the following restrictions:

If the height of the accessory structure, including the illegal addition, can be reduced to an average of 15 feet, pursuant to Section 400.3, the structure may be maintained, subject to the following:

a. the new roof of the addition may not extend over the property line onto the Protestants property; the Petitioner must insure that no such overhang exists:

- 8 -

b. the Petitioner shall install appropriate rain gutters and spouts to limit the amount of

possible runoff from the shed onto the Pro-

c. the shed shall not be utilized for commercial purposes or for living quarters.

testants' property; and

2. Compliance with the comments submitted by the Baltimore County Zoning Advisory Committee (ZPAC), which are adopted in their entirety and made a part of this Order

3. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Zoning Commissioner Baltimore County

AJ/srl

cc: William D. Hooper, Jr., Esquire

Howard J. Needle, Esquire
Paul Goldberg, Esquire

People's Counsel

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Existing Factings

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Existing Factings

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Areages Height 18'4"

Read With Read Support A For Exterior Sheet F (1-hou)

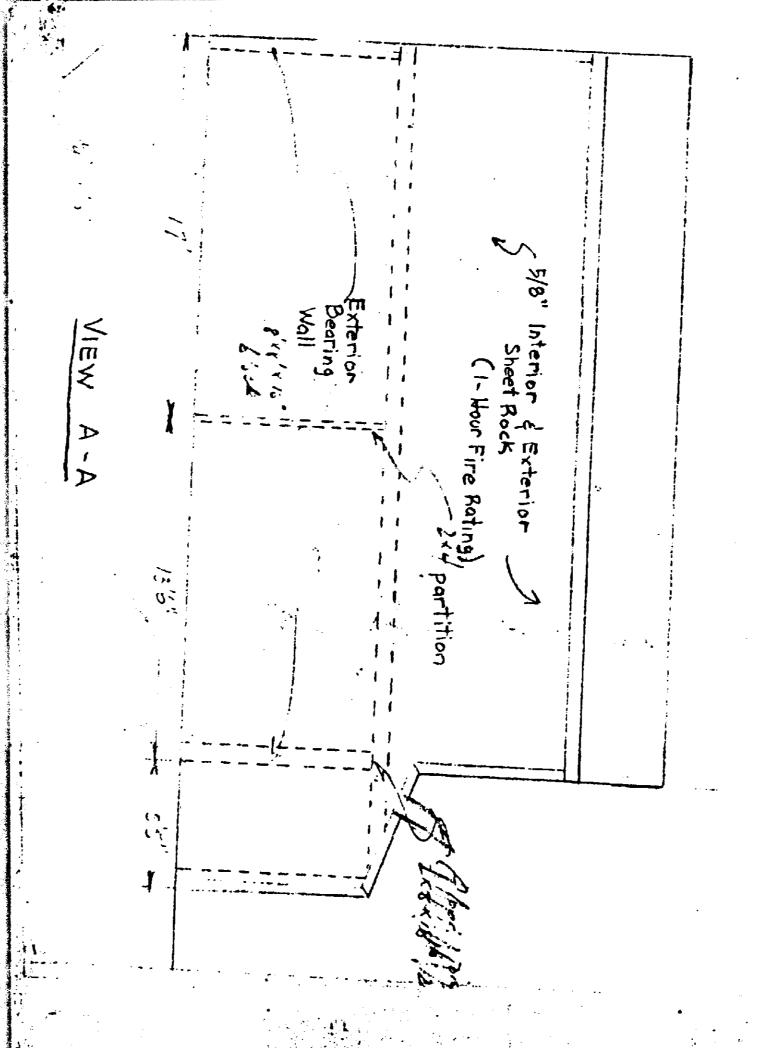
8'10"

Existing Footing Footings

Footing Footing Footings

Footing A Footing A Footings

Footing A Footing A



County Board of Appeals of Baltimore County
Room 200 Court Rouse
Towson, Maryland 21204
(301) 494-3180

- 9 -

April 30, 1985

William D. Hooper, Jr., Esq. 125 N. Main Street Bel Air, Maryland 21014

Dear Mr. Hooper:

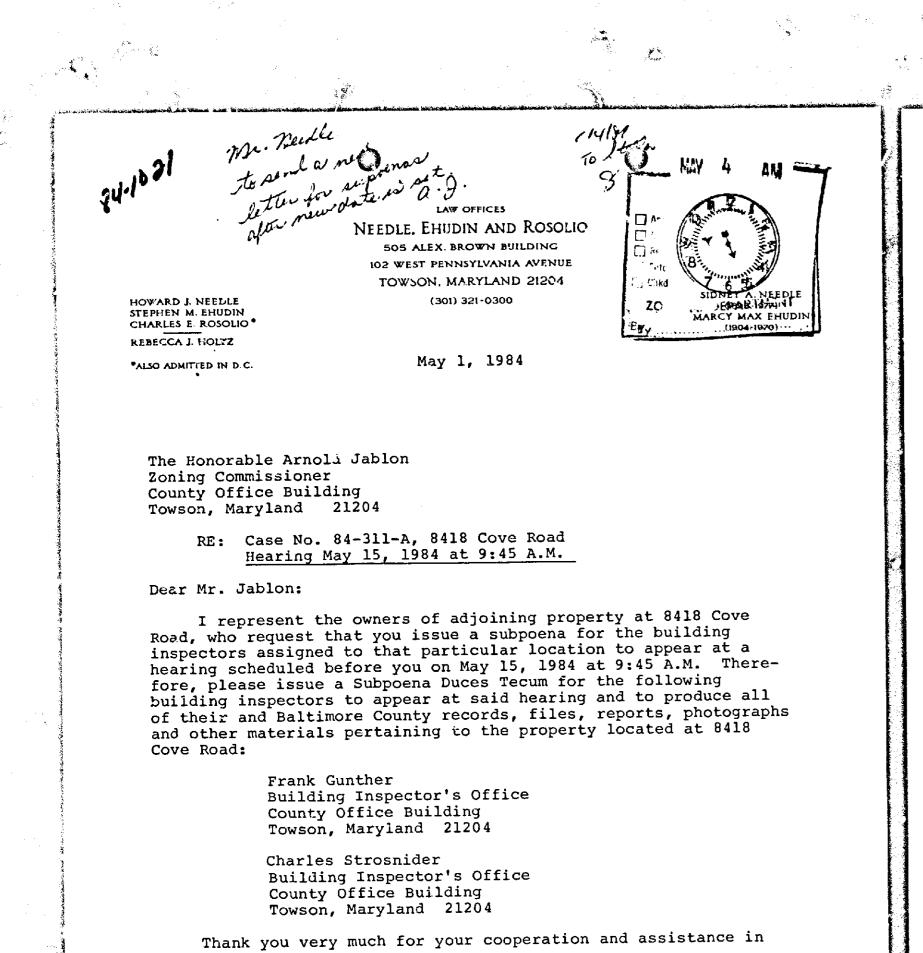
Re: Case No. 84-311-A er: Mary M. Clark

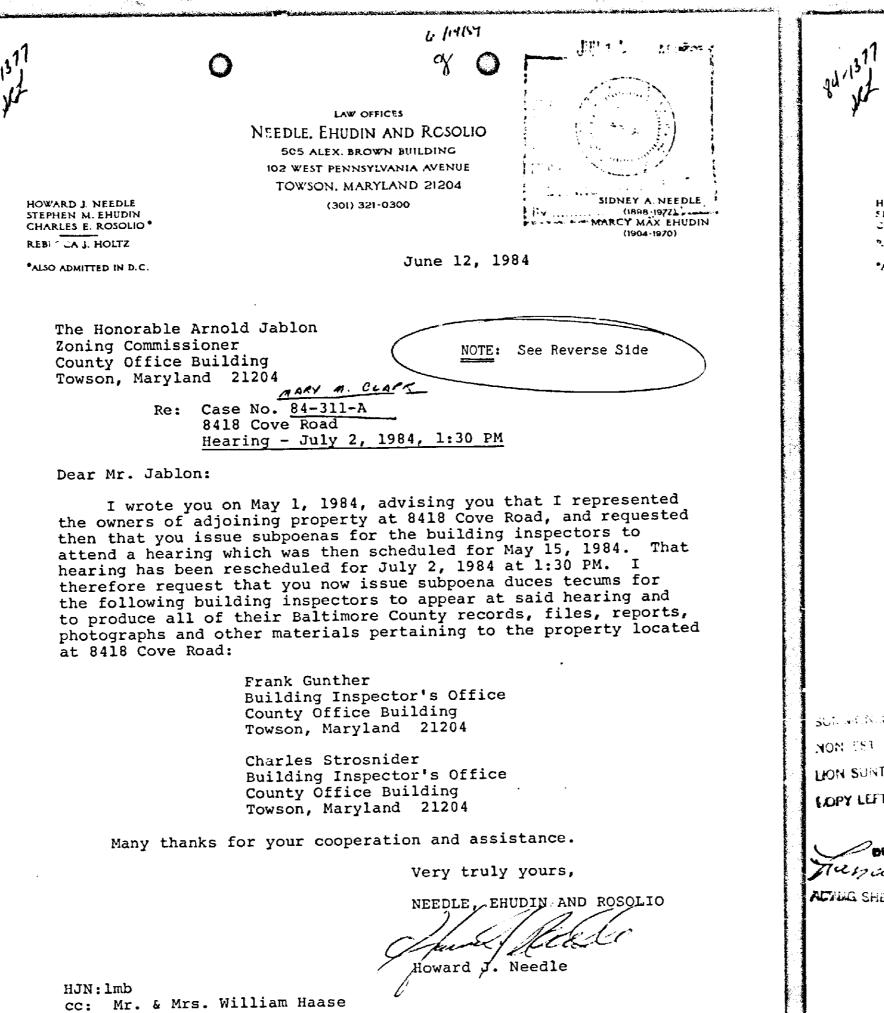
Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

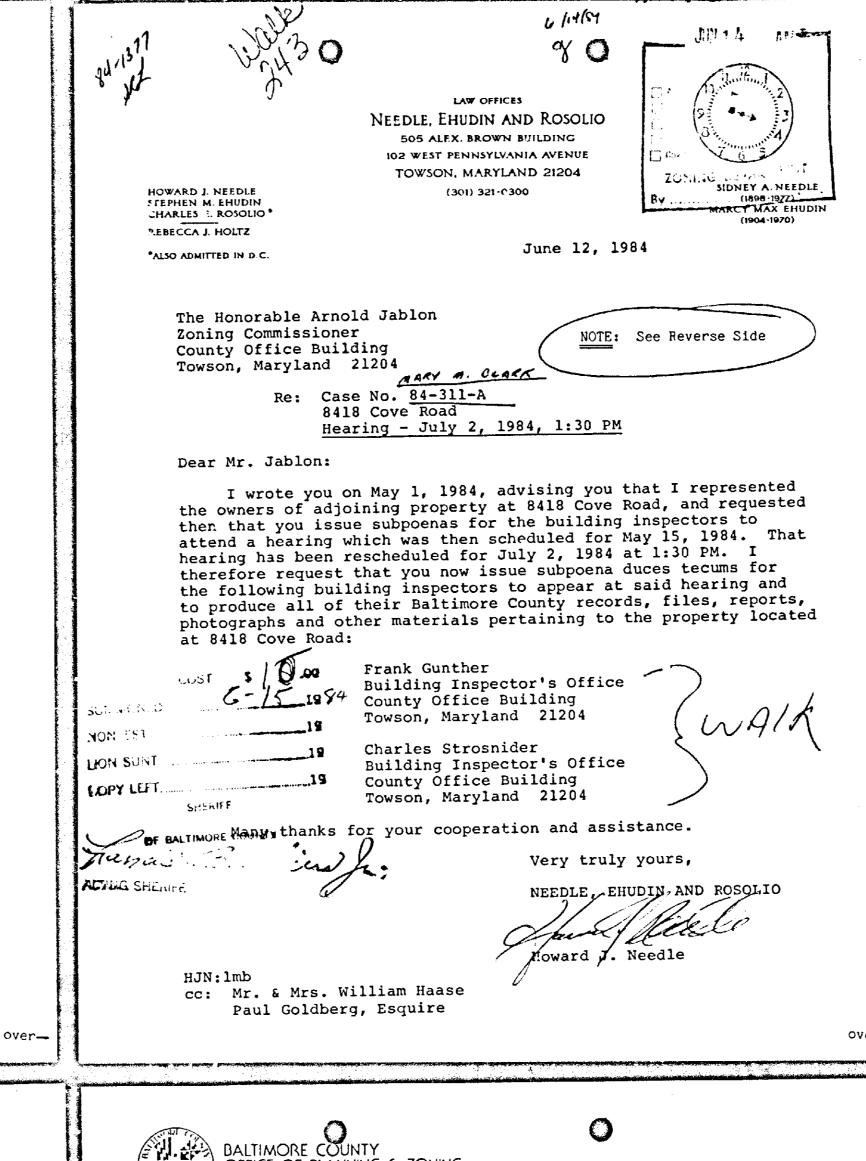
June Holmen, Secretary

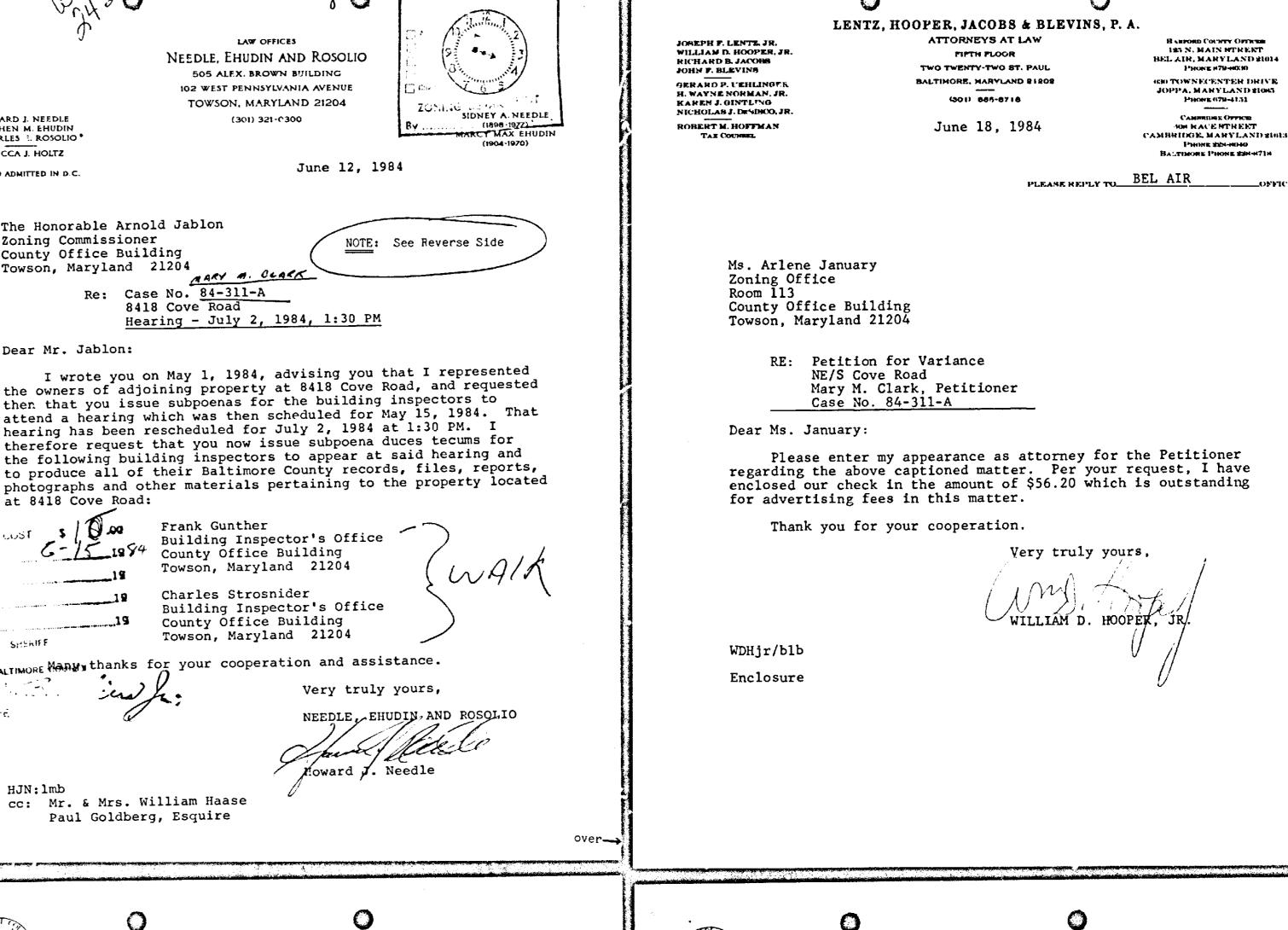
Encl.
cc: Mary M. Clark
Howard J. Needle, Esq.
Paul Goldberg, Esq.
Phyllis C. Friedman
Norman Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Dyer

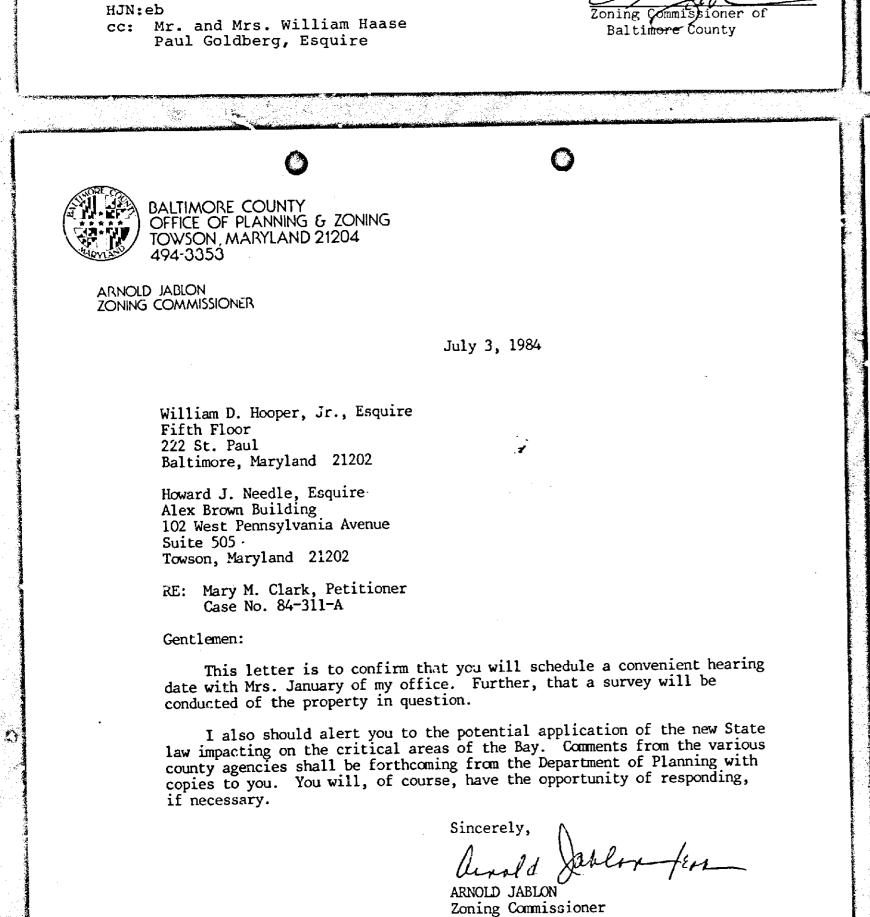
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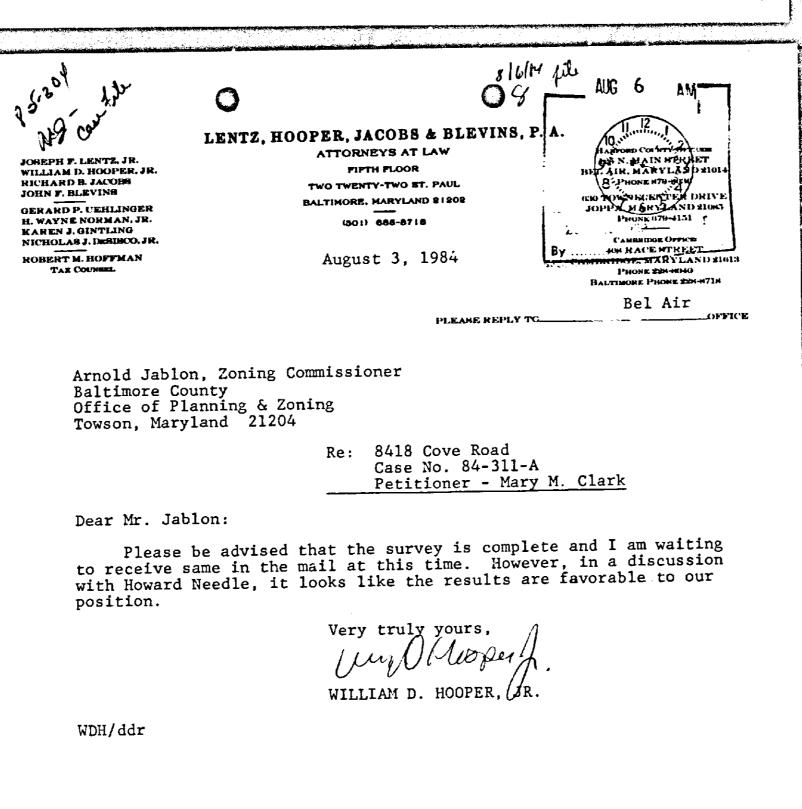




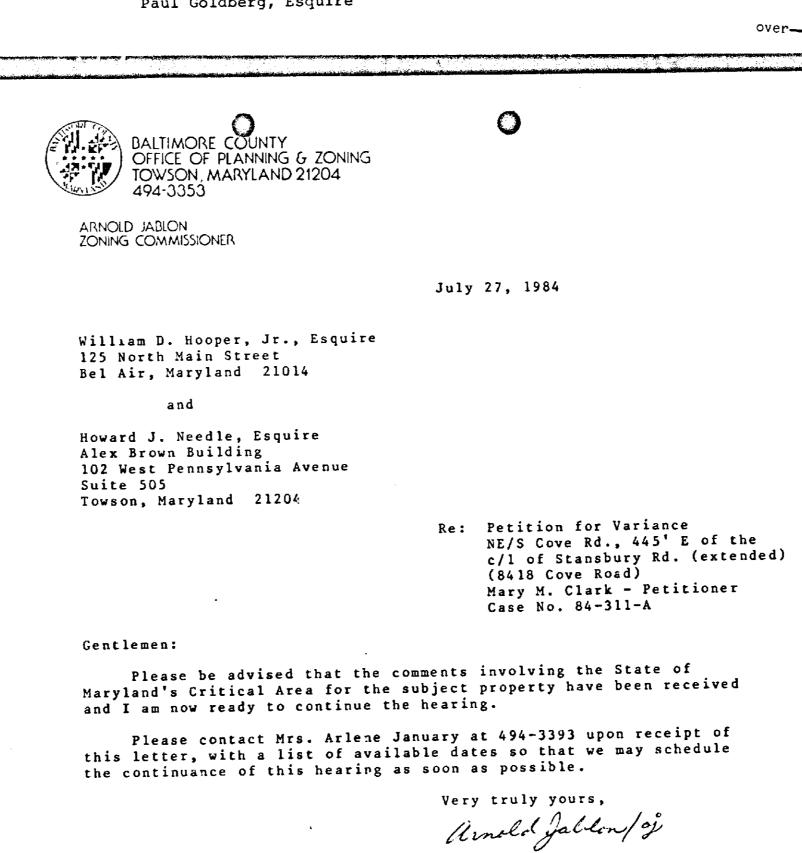




Mr. Sheriff:

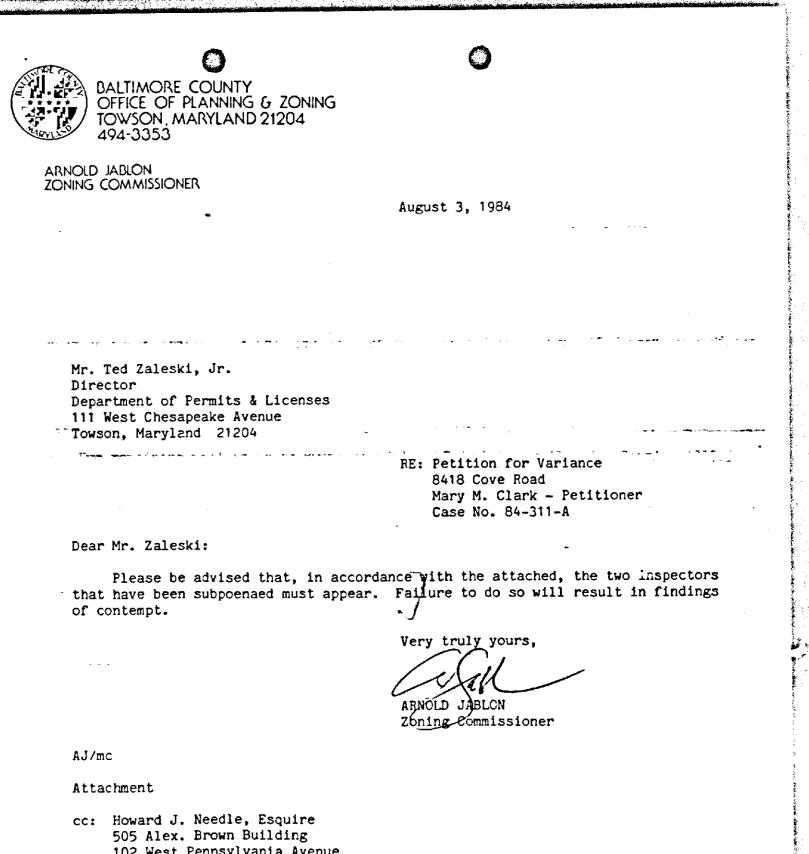


Paul Goldberg, Esquire



ARNOLD JABLON

Zoning Commissioner

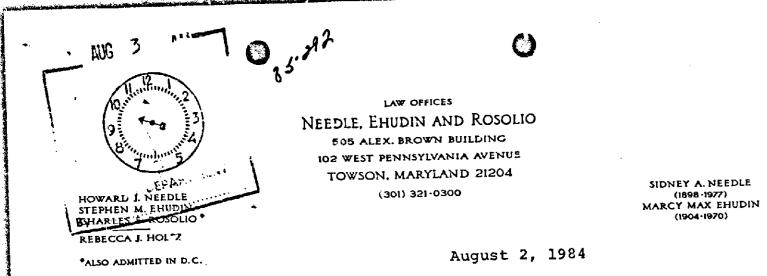


AJ:eoh

this matter.

AJ:aj

102 West Pennsylvania Avenue Towson, Maryland 21204



The Honorable Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 Re: Case No. 84-311-A 8418 Cove Road Continued Hearing - 9/12/84, 10:00 a.m.

Dear Mr. Jablon:

Please issue Subpoena Duces Tecums for the following building inspectors to appear at the continued zoning hearing on September 12, 1984 at 10:00 a.m. before the Zoning Commissioner of Baltimore County, and to produce all of their Baltimore County records, files, reports, photographs and other materials pertaining to the property located at 8418 Cove Road:

> Frank Gunther Building Inspector's Office County Office Building Towson, Maryland 21204 Charles Strosnider Building Inspector's Office

County Office Building

Towson, Maryland 21204 Thanks again for your cooperation and assistance.

Very truly yours,

Please issue subpoena duces tecums in cc: Mr. & Mrs. William Haase accordance with the above. Paul Goldberg, Esquire

OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

ARNOLD JABLON ZONING COMMISSIONER

August 3, 1984

William D. Hooper, Jr., Esquire 125 North Main Street Bel Air, Maryland 21014

Howard J. Needle, Esquire Alex Brown Building 102 West Pennsylvania Avenue Suite 505 Towson, Maryland 21204

Re: Petition for Variance NE/S Cove Rd., 445' E of the c/l of Stansbury Rd. (extended) 8418 Cove Road Mary M. Clark - Petitioner Case No. 84-311-A

Gentlemen:

AJ:aj

This will confirm that the continued hearing date for the subject case will be Wednesday, September 12, 1984 at 10:00 A.M. Please advise anyone that you feel should attend.

Zoning Commissioner

Very truly yours,

NEEDLE, EHUDIN AND ROSOLIO 505 ALEX. BROWN BUILDING 102 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204 (301) 321-0300 HOWARD J. NEEDLE CHARLES E. ROSOLIO LEBECCA J HOLTZ . LSO ADMITTED IN D.C.

The Honorable Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 Re: Case No. 84-311-A

Petition for Variance Mary M. Clark 8418 Cove Road

Dear Mr. Jablon:

Although I am not requesting it at this time, I think it prudent that I inform you that I may require a postponement of the continued hearing of the above matter scheduled for September 12, 1984 at 10:00 a.m.

You will recall that, at the conclusion of the original hearing on July 2, 1984, and pursuant to your letter of July 3, 1984, a survey was to be conducted at the property in question. I informed you then that I may require a survey of the property, dependent upon the result of the survey to be conducted by the petitioner. We thought there would be plenty time to conduct the two surveys before September. I understand from my client that the petitioner's surveyors were at the property about a month ago, but I have not received a copy of their survey. I wrote to Mr. Hooper about this on August 3 and told him that I needed that survey within a week, or may have to postpone the September 12 hearing. I called his office a couple of days ago and left the same message, but have received no response. I am now leaving on a two week vacation.

If, upon my return after Labor Day, I find it necessary for my clients to order a survey, it is doubtful that it can be completed before the September 12th hearing and I will then have to request a postponement.

NEEDLE, EHUDIN AND ROSOLIO

Honorable Arnold Jablon August 17, 1984 Page Two

I certainly hope this complication causes you no great inconvenience.

Respectfully,

HJN:1mb

cc: William D. Hooper, Jr., Esq. Paul Goldberg, Esquire Mr. and Mrs. William Haase

HOWARD J. NEEDLI REBECCA J. HOLTZ

*ALSO ADMITTED IN D.C.

NEEDLE, EHUDIN AND ROSOLIO 505 ALEX. BROWN BUILDING 102 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204 (301) 321-0300

(1898-1977) MARCY MAX EHUDIN August 2, 1984 SUMMONED 8/6 19 FX

oning Commissioner of Baltimore County

SIDNEY A. NEEDLE-

NON EST______19 The Honorable Arnold Jablon Zoning Commissioner NON SUNT_______19 County Office Building COPY LEFT______19 Towson, Maryland 21204 Re: Case No. 84-311-A

8418 Cove Road Continued Hearing - 9/12/84, 10:09 BAIMIMORE COUNTY

Dear Mr. Jablon:

Frank Gunther

Please issue Subpoena Duces Tecums for the following building inspectors to appear at the continued zoning hearing on September 12, 1984 at 10:00 a.m. before the Zoning Commissioner of Baltimore County, and to produce all of their Baltimore County records, files, reports, photographs and other materials pertaining to the property located at 8418 Cove Road:

> Building Inspector's Office County Office Building / Towson, Maryland 21204 Charles Strosnider Building Inspector's Office

WALK County Office Building Towson, Maryland 21204

Thanks again for your cooperation and assistance. Very truly yours,

Please issue subpoena duces tecums in cc: Mr. & Mrs. William Haase Paul Goldberg, Esquire

HOWARD J. NEEDLE

REBECCA J. HOLTZ

STEPHEN M. EHUDIN CHARLES E. ROSOLIO

*ALSO ADMITTED IN D.C.

HAND DELIVERED

NEEDLE, EHUDIN AND ROSOLIO 505 ALEX. BROWN BUILDING 102 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204

(301) 321-0300

September 5, 1984

SIDNEY A. NEEDLE

MARCY MAX EHUDIN

The Honorable Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Re: Case No. 84-311-A Petition for Variance Mary M. Clark 8418 Cove Road

Dear Mr. Jablon:

Regrettably, I must request a postponement of the continued hearing in the above matter which is now scheduled for September 12, 1984 at 10:00 a.m. I returned from vacation yesterday to find on my desk a survey prepared on behalf of the Petitioners, dated August 21, 1984. Because of the result of that survey my clients, Mr. and Mrs. William Haase, consider it necessary to order their own survey. A surveyor was contacted yesterday and reported that he could not possibly complete the job within a week, prior to the hearing. The Petitioners have taken about seven weeks to complete their survey and it would be unreasonable to expect my clients to complete theirs within one week.

Thus, a postponement of the hearing is respectfully requested.

Respectfully,

HJN:1mb

cc: Mr. & Mrs. W. Haase William D. Hooper, Jr., Esq. Paul Goldberg, Esq. Mr. Frank Gunther Mr. Charles Strosnider

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Gene Bober, Chief TO Current Planning & Development Date June 29, 1984

Paul J. Solomon, Acad FROM Environmental Planning Sec.

SUBJECT Zoning Variance--Mary Clark

84-311-A The Environmental Planning Section has reviewed this request for a variance and has found that the requested variance, if granted, will have no adverse impact on water quality or fish, wildlife, and plant habitat. Therefore, the requested variance, if granted, is consistent with the requirements of the State of Maryland's Critical Area requirements.

PJS:eds

cc: Arnold Jablon James Hoswell Andrea VanArsdale David Flowers

BATIMORE COUNTY, MARQAND

INTER-OFFICE CORRESPONDENCE

Date August 31, 1984

Edward A. McDonough, P.E.

Zoning Items - Critical Area

Attached are comments from James Markle for critical area items requested by your office.

> EDWARD A. MCDONOUGH, P.E., Chief Developers Engineering Division

EAM:ss Attachment

BOLTIMORE COUNTY, MAILLAND INTER-CFFICE CORRESPONDENCE Date August 30, 1984 TO Ed McDonough FROM_James A. Markle SUBJECT__Critical Areas Review 1. Item 166 (1983-1984) Evering No adverse impact expected. 2. Item 249 (1983-1984) 84-3// No adverse impact expected. 3. Item 278 (1983-1984) 84-344 No adverse impact expected. 4. Item 301 (1983-1984) 84-36/ No adverse impact expected. 5. Item 324 (1983-1984) Knight No adverse impact expected. 6. Item 337 (1983-1984) SoKo/ski No adverse impact expected. 7. Item 366 (1983-1984) 85-61-A No adverse impact expected. Beaetoles producting entires i. Item 365 (1983-1984) 85-62-5PA No adverse impact expected. 9. Item 3 (1983-1984) 85-67-A No adverse impact expected. All of the above comments are made concerning the three items that were given as Public Works review responsibility in the June 1, 1984 memo from Norman Gerber to Don Hutchins concerning Critical Areas. LAW OFFICES NEEDLE, EHUDIN AND ROSOLIO 505 ALEX. BROWN BUILDING 102 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204 ENDNEMA NEE (301) 321-0300 HOWARD J. NEEDLE (1898-1977) MARCY, MAX: EHU STEPHEN M. EHUDIN CHARLES E. ROSOLIO* REBECCA J. HOLTZ October 31, 1984 *ALSO ADMITTED IN D.C.

Honorable Arnold Jablon Zoning Commissioner of Baltimore County

ACCOUNT_R-61-615-000

Mr. and Mrs. William Hasse, Jr.

3 B82*****750013 5024F

VALIDATION OR SIGNATURE OF CASHIER

Re: Petition for Variances

Case No. 84-311-A

Appeal to Board of Appeals

Haase and William Haase,

Appeals from your

ions of Law dated

truly yours,

in the amount of \$75

over the cost of this

8418 Cove Road

County Office Building

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

DATE NOT. 2. 1984 ACCOUNT R-01-615-000

FOR: Piling Fee for Appeal of Case No. 84-311-A

(Mary M. Clark - Petitioner)

MISCELLANEOUS CASH RECEIPT

MISCELLANEOUS CASH RECEIPT

Towson, Maryland 21204

O NOV 2 BLAND CH STANTER
US N. MAIN STREET LENTZ, HOOPER, JACOBS & BLEVINS, P. A. ATTORNEYS AT LAW JOSEPH F. LENTZ, JR. WILLIAM D. HOOPER, JR. PIPTH PLOOR RICHARD B. JACOBS TWO TWENTY-TWO ST. PAUL JOHN F. BLEVING BALTIMORE, MARYLAND \$1208 100 P 10 4121 GERARD P. L'EHLINGER H. WAYNE NORMAN, JR. KAREN J. GINTLING (501) 685-8718 CAMBIOLOGE OFFICES 40K RACE STREET NICHOLAS J. DESISCO, JR. November 1, 1984 ROBERT M. HOFFMAN CAMBRIDGE: MARCHAND TO PHONE 228-8040 BALTIMORE PHONE 228-8718 BEL AIK Honorable Arnold Jablon Zoning Commissioner of Baltimore County County Office Building Towson, Maryland 21204 RE: Petition For Variances 8418 Cove Road Case No. 84-311-A Appeal to Board of Appeals Dear Mr. Jablon: On behalf of the Applicant, Mary M. Clark, 8418 Cove Road, Baltimore, Maryland 21222, I wish to file an Appeal to the Board of Appeals from your decision and Findings of Fact and Conclusions of Law dated October 17, 1984. I am enclosing a check in the amount of \$80.00 payable to Baltimore County, Maryland to cover the cost of this Appeal. Very truly yours, BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION M D. HOOPER JR. MISCELLANEOUS CASH RECEIPT Halfely & local that an allythord RECEIVED William Hooper, Esquire FOR: Filing fee for Appeal of Case No. 84-311-A (Mary H. Clark ~ Petitioner) C 883***************** VALIDATION OR SIGNATURE OF CASHIER

These three items are flood plains, effect of increased

JAMES A. MARKLE, P.E.

' ief, Storm Drain Design

1 Approval Section

impervious areas and effects of points of storm water discharge.

Ed McDonough

August 30, 1984

Page Two

JAM:hhm

Gentlemen: Pursuant to my telephone conversation with your secretaries, this will confirm that the continued hearing date for the subject case will be Tuesday, October 2, 1984 at 10:00 A.M. Please advise anyone that you feel should attend. . Very truly yours, Chline t. January Arlene E. January Legal Secretary II BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204 494-3353 ARNOLD JABLON ZONING COMMISSIONER November 5, 1984 Phyllis C. Friedman, Esquire People's Counsel Old Courthouse Towson, Maryland 21204 RE: Petition for Variance NE/S Cove Rd., 445' E of the c/l of Stansbury Road (ext.) (8418 Cove Road) Case No. 84-311-A Mary M. Clark - Petitioner Dear Ms. Friedman: Please be advised that an appeal has been filed by the Petitioner and the Protestants: Appealed by Howard Needle, Esquire on behalf of the Protestants (Mr. and Mrs. William Haase, Jr.) 2. Appealed by William D. Hooper, Jr., Esquire on behalf of the Petitioner (Mary M. Clark) from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter. You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals. Zoning Commissioner AJ:eoh cc: William D. Hooper, Jr., Esquire Paul Goldberg, Esquire 125 N. Main Street 111 Charles Street Bel Air, Maryland 21014 Suite 40 Baltimore, Maryland 21201 Howard J. Needle, Esquire 505 Alex Brown Building 102 W. Pennsylvania Avenue Towson, Maryland 21204

BALTIMORE COUNTY

ARNOLD JABLON ZONING COMMISSIONER

Suite 505

OFFICE OF PLANNING & ZONING

September 11, 1984

NE/S Cove Rd., 445' E of the c/l of

Mary M. Clark - Petitioner

Stansbury Rd. (extended) 8418 Cove Road

Re: Petition for Variance

Case No. 84-311-A

TOWSON, MARYLAND 21204 494-3353

William D. Hooper, Jr., Esquire

125 North Main Street Bel Air, Maryland 21014

Howard J. Needle, Esquire

Towson, Maryland 21204

102 West Pennsylvania Avenue

APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204 8418 COVE ROAD 56713 MARY M. CLARK -8418 COVE ROAD, BALTO, MD. 21222 COMPANY THE Property of EZMIO-S AND CONTRACT MANUFICE SECURITIES N. S. COVE ROAD 2321 E DE R & O P A. TYPE OF IMPROVEMENT C. TYPE OF USE I HE'S BLAZING CONSTRUCTION SHADE SOME WENDOW BETTER A TRANSCO THE ME POUR PRINT MALATRIC, STOMES STATES MANUS SANAS () and pass me every I HORMAL INCOMPANIES. MARRIED POP SENCRE PROPOSES NOW TE 1 AND 2 FAM COOK ---CONSTRUCT ADDITION ON SIDE OF EXISTING SHED IN REAR YARD FOR STORAGE. ELEV. I reaction ? ----B. OWNERSHIP IN PRINCIPLY OWNERS & CONSIGNATION OF THE PRINCIPLY OWNERS SAME AND SHED EXTENSION. Charles and the Control of the State of the Control D. TYPE OF CUNSTRUCTION TYPE OF WATER SUPPLY E. RESIDENTIAL ONLY SHIGLE FAMP Y MATS | | MARILE PISTEM | MI EMITS | PROPERTO | PERFORMENTE PISTEM | DEMETS | DIPROPREMENTE PISTEM | DIPROPREMENTE PISTE 3 TRUCTURE STEM 4 [] NEW CONCRETE SIGH FAMILY MITTS MOW MANY APARTMENTS MAVE IS THERE CENTRAL AIR CONSTTONING TYPE OF HIATING FUEL 1 D EFFCHIOLS PERCENCY AND SERVINES GERMOONING O = 4 THEM AN INCHERATOR TYPE OF BEWARE DISPOSAL OND 10 100 HE SHIP ME POLLUTION CONTROL THE STATEMAN AD OF STANDARDS OF THE CHIPTON OF WAY 1014 to 67 capagent TOTAL NO. OF APARTMENTS F. DIMENSIONS . 73 8416 COVS NOLD; BALTS W 21222 125.00 140.54 AND PER STANCE PROPERTY

LENTZ, HOOPER, JACOBS & BLEVINS, P. A

JOHEPH F. LENTZ, JR. WILLIAM D. HOOPER, JR.

GERARD P. UEHLINGER

KAREN J. GINTLING NICHOLAS J. DESISCO, JR.

ROBERT M. HOFFMAN

Arnold Jablon,

Zoning Commissioner

401 Bosley Avenue

Dear Mr. Jablon:

WDHjr/blb

Enclosure

County Office Building

Towson, Maryland 21204

RE: Case No. 84-311-A

Mary M. Clark

8418 Cove Road

Petition for Variance

RICHARD B. JACOBS

ATTORNEYS AT LAW

FIFTH PLOOR

TWO TWENTY-TWO ST. PAUL

BALTIMORE, MARYLAND 21202

(501) 665-6718

August 22, 1984

Enclosed herewith please find copy of the survey pre-pared by The Shenk Corporation regarding the above captioned pro-

Thank you for your cooperation in this matter.

Please include the same as an exhibit on behalf of Mrs.

Very truly yours,

WILLIAM D. HOOPER,

HARFORD COUNTY OFFICER 123 N. MAIN STREET BEL AIR. MARYLAND 21014

CO TOWNECENTER DRIVE

PHONE 678-4151

JOPPA, MARYLAND 21047

CAMBRIDGE OFFICE 48 RACESTREET

CAMBRIDGE, MARYLAND 2003

PHONE SWHMM

BALTIMORE PHONE 224 41714

612

BALTIMORE COUNTY, MARYLAND Office of the Buildings Engineer JOB LOCATED AT 7418 Care Notice No. E. 0141 **STOP WORK ORDER** AND HAVE FOUND THE FOLLOWING VIOLATIONS OF THE LAWS BALTIMORE COUNTY CODE ACA SEC. ACA STATES YOU ARE HEREBY NOTIFIED THAT ALL WORK BEING PERFORMED A THIS LOCATION SHALL IMMEDIATELY STOP, WITH THE EXCEPTION OF WHICH IS TO CORRECT UNSAFE CONDITIONS. FAILURE TO COMPLY CO STITUTES A VIOLATION OF COUNTY LAW, THE CORRECTIONS MUST I ALL CORRECTIONS COMPLETE AND APPROVED DO NOT REMOVE THIS TAG

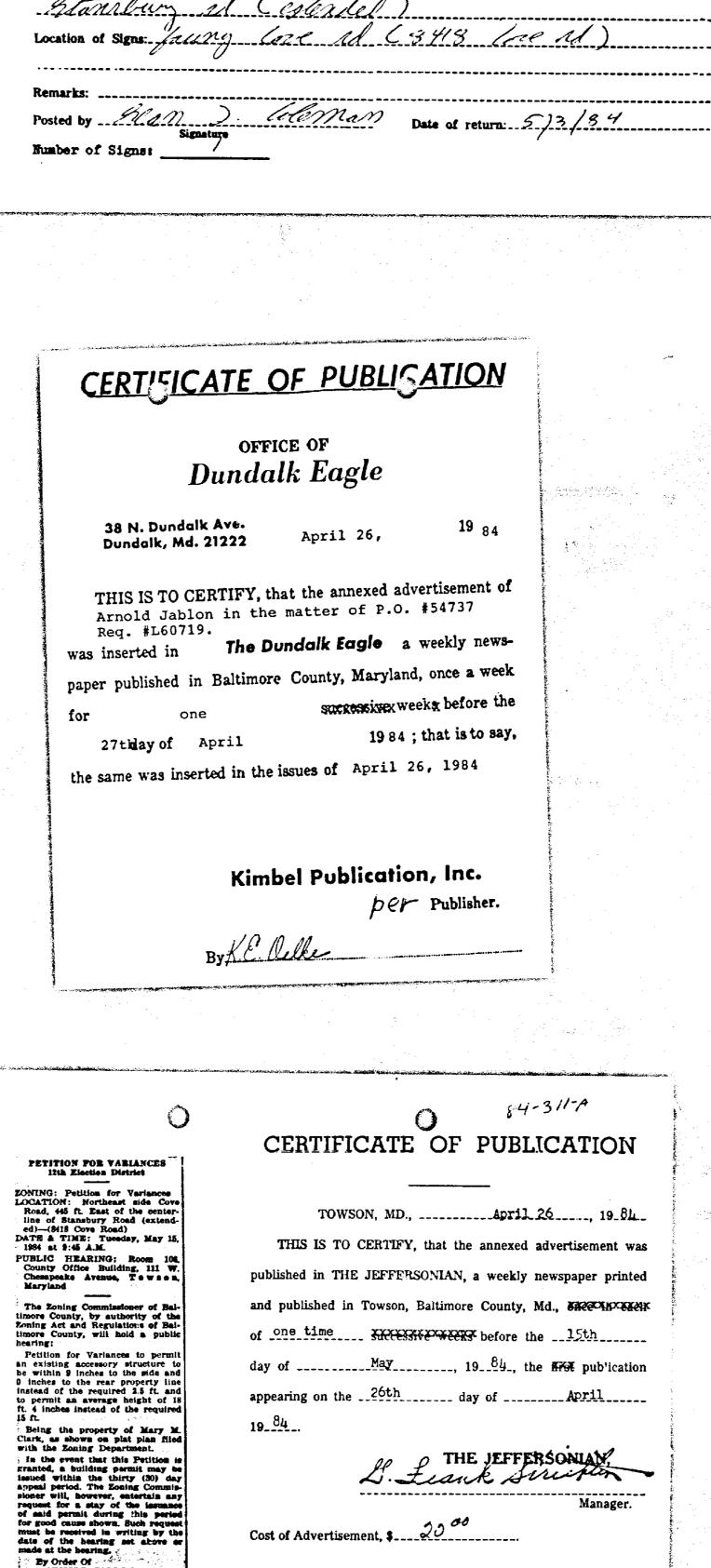
	June 5, ()84
Villiam D. Hooper, Jr., Esq 25 N. Main Street 3el Air, Maryland 21014	uire
Res	RESCHEDULED TICE OF HEARING Petition for Variances NE/S Cove Rd., 445' E of the c/l of Stansbury Rd. (extended) - 8418 Cove Road Mary M., Clark - Petitioner Case No. 84-311-A
TIME: 1:30 P.M. DATE: Monday. Jul	
Avenue, Toy	wson, Maryland
cc: Howard J. Needle, Esqu 505 Alex Brown Building Towson, Maryland 2120	
	Zoning Commissioner of Baltimore County

	0	•	April 17 2 984	
M	s. Mary M. Clark			
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		Petition for Vari NE/S Cove Rd.,	ances 445' E of the c/lextended) - 8418 C - Petitioner	of ove Road
	TIME: <u>9:45 A.M.</u>	·		
	DATE: Tuesday,	May 15, 1984	·	
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	Avenue, T	Cowson, Maryland		
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BALTIMO	RE COUNTY, MARYLAND			
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May 9, 1984

Ms. Mary M. Clark 8418 Cove Road Baltimore, Maryland 21222

> Re: Petition for Variances NE/S Cove Rd. 445' E of the c/l of Stansbury Rd. (extended) - 8418 Cove Road Mary M. Clark - Petitioner Case No. 84-311-A

Dear Ms. Clark:

This is to advise you that \$56.20 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

BALTIMORE COUNTY, MARYLAND No. 130559 LD JABLON
g Commissioner OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE 6-22-84 ACCOUNT R-01-615-000 AMOUNT \$56.20 FOR Education 4 porting Care #84-311-A C 015*****5520*6 2224A

CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

38 N. Dundalk Ave. Dundalk, Md. 21222

June 15,

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of P.O. #56415 - Req. #L63137 - PETITION FOR VARIANCE. was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week successive weeks before the

19 84; that is to say, the same was inserted in the issues of June 14, 1984

Kimbel Publication, Inc.

CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

38 N. Dundalk Ave. Dundalk, Md. 21222

19 84 June 15,

June 14, 1984

ber Publisher.

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of P.O. #56415 -Req. #L63137 - PETITION FOR VARIANCE. was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week successive weeks before the 19 84; that is to say. 15th day of

the same was inserted in the issues of " RESCHEDULED

PETITION FOR VARIANCES ... 12th Election District **ZCHING: Petition for Variances** LOCATION: Northwest side Co Road, 445 ft. East of the centerline of Stansbury Road (extended) - (8418 DATE & TIME: Monday, July 2,

Kimbel Publication, Inc. 1984 at 1:30 p.m. PUBLIC HEARING: Room 1 County Office duilding, 111 W. Chesapecke Avenue, Tourson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act. & Regulations of Baltimore - County, will hold a public hearing: 🐬 Petition for Variances to permit an Proexisting accessory structure to be within 9 inches to the side 4 0 8 inches to the man property line in-stead of the required 2.5 ft. & to permit an average height of 18 ft. 4 inches instead of the required 15 ft. Being the property of Mary M. Clark, as shown on plat plan filed with the Zoning Department.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the

June 44

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 14 , 19 84

TH JEFFERSONIAN,

18 Venetorli

Cost of Advertising

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353 ARNOLD JABLON ZONING COMMISSIONLR

June 20, 1984

William D. Hooper, Jr., Esquire 125 N. Main Street Bel Air, Maryland 21014

> Re: Petition for Variances NE/S Cove Rd., 445' E of the c/l of Stansbury Rd. (extended) - 8418 Cove Road Mary M. Clark - Petitioner Case No. 84-311-A

Dear Mr. Hooper:

This is to advise you that \$61.00 is due for advertising and posting of the above property. (2nd time)

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely, No. 131906 BALTIMORE COUNTY, MARYLAND OLDJABLON OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT ng Commissioner R-01-615-000 Res 2 (0 th E2 44 C) osting the first time, was iquest of the postponement. FROM: William D. Hooper, Jr., Esquire FOR: 2nd advertising and posting of Case 84-311-A
(Mary M. Clark) G 648********** 10010 #27*A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211 NORMAN E. GERBER DIRECTOR

June 26, 1984

Ms. Mary Clark 8418 Cove Road Baltimore, Md. 21222

> RE: Item No. 249 - Case No. 84-311-A Petitioner - Mary M. Clark Variance Petition

Dear Ms. Clark:

The enactment of the State of Maryland Critical Areas Commission Legislation (1984 Maryland Laws, Chapter 794) affects your proposed requested variance 从从来发展从来从来从来从来从来从来从来

This law was signed by Governor Hughes on May 29, 1984. Among other provisions, it requires that all proposed variances and special exceptions within the boundaries of the "Critical Area" minimize adverse impacts on water quality. Fish, wildlife, plant habitat which may be adversely affected by the proposed development must be identified and protected.

'Your proposed construction is located within the boundaries of the critical area. Any development so located that has filed an application with Baltimore County after March 1, 1984 or completed its application after June 1, 1984, is subject to the law. Therefore, Baltimore County is required to find that your development is environmentally sensitive and that it will minimize damage to water quality, wildlife and sensitive habitats. The results of the County's finding may determine the decision which will be reached by the Zoning Commissioner on your petition.

In order for you and Baltimore County to comply with State law, you must provide detailed information sufficient to allow the County to review the environmental effects of your development. This information is in addition to that which has already been provided. A list of the needed data is attached. Staff members of this office will be available for consultation before you undertake any research. You may contact Eugene Bober if you have any questions (494-3335).

Normad E. Gerber, Directoral

Attachment

NEG/sf

RESCHEDULED PETITION FOR VARIANCES

12th Election District

ZONING:

BY ORDER OF

ZONING COMMISSIONER OF BALTIMORE COUNTY

Petition for Variances

LOCATION: Northeast side Cove Road, 445 ft. East of the centerline of Stansbury Road (extended) - (8418 Cove Road)

DATE & TIME:

Monday, July 2, 1984 at 1:30 P.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland The Zoning Commissioner of Baltimore County, by authority of the Zoning Act

and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit an existing accessory structure to be within 9 inches to the side and 0 inches to the rear property line instead of the required 2.5 ft. and to permit an average height of 18 ft. 4 inches instead of the required 15 ft.

Being the property of Mary M. Clark, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Jaepter Ocs 6 1984 Date

Zoning Commissioner Office of Planning & Zoning County Office Building Towson, Maryland 21204

CRITICAL AREA REVIEW

Zoning Item # 249 Zoning Advisory Committee Meeting of March 27, 1984 Property Owner: Mary M. Clark

Location: NE /s Care Road Stream(s) on Property Yes ____ No ___

Note: As per Baltimore County Health Department Wetland Guidelines, development or grading is prohibited in upland and tidal wetlands. OTHER COMMENTS No comment.

P. s. y NEEDLE, EHUDIN AND ROSOLIO 505 ALEX. BROWN BUILDING 102 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204 SIDNEY A. NEEDLE (301) 321-0300 MARCY MAX EHUDIN

HOWARD J. NEEDLE STEPHEN M. EHUDIN CHARLES E. ROSOLIO REBECCA J. HOLTZ *ALSO ADMITTED IN D.C

September 12, 1984

The Honorable Arnold Jablon Zoning Commissioner County Office Building Towson, Makyland 21204 Re: Case No. 84-311-A Petition for Variance Mary M. Clark 8418 Cove Road

VALIDATION OR SIGNATURE OF CASHIER

Dear Mr. Jablon:

Please reissue summons for the two following building inspectors to testify at the rescheduled hearing of the above captioned matter on October 2, 1984 at 10:00 a.m.

Frank Gunther Sb Building Inspector's Office County Office Building 9-17-84 Towson, Maryland 21204 Charles Strosnider Building Inspector's Office County Office Building

Towson, Maryland 21204 Very truly yours,

HJN:1mb

cc: Mr. and Mrs. W. Haase Paul Goldberg, Esquire Mr. Sheriff:

Please issue summons in accordance with the above

OF EALT MORE COUNTY

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204

ARNOLD JABLON ZONING COMMISSIONER JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

June 4, 1985

Ms. Mary M. Clark 8418 Cove Road Baltimore, Maryland 21222

RE: Case No. 84-311-A 12th Election District

Dear Ms. Clark:

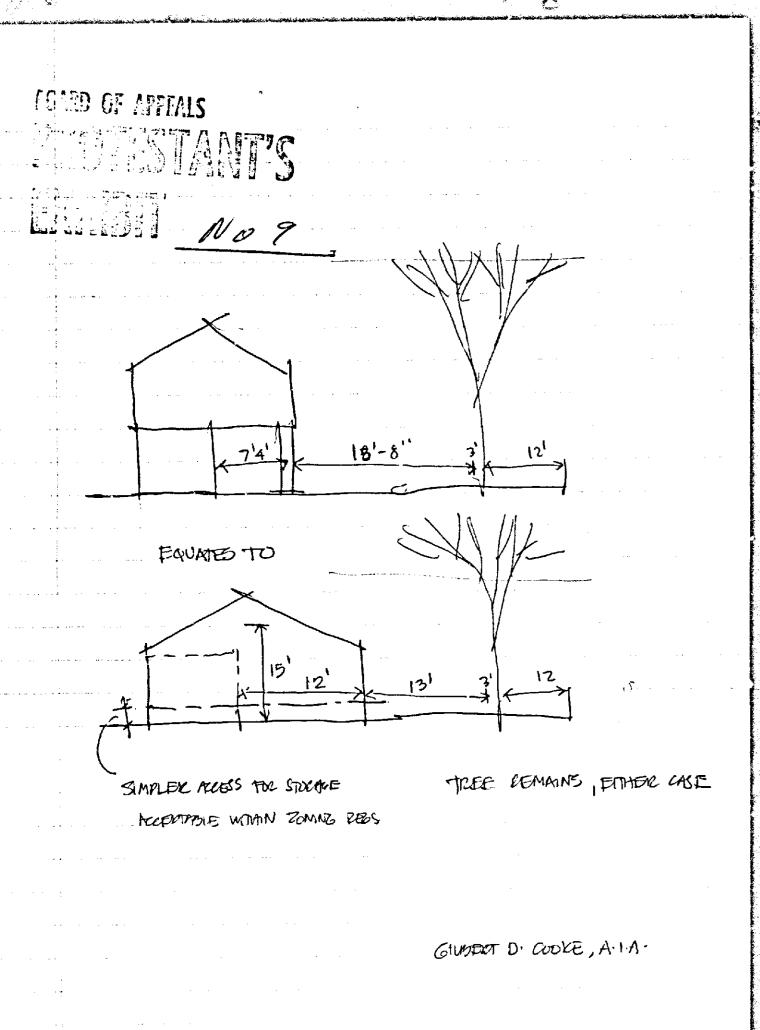
Pursuant to a telephone conversation with Mrs. Petr regarding the compliance to reduce the height of the accessory structure, an extension to July 29, 1985 will be granted.

> arnold Jabler ____ Zoning Commissioner

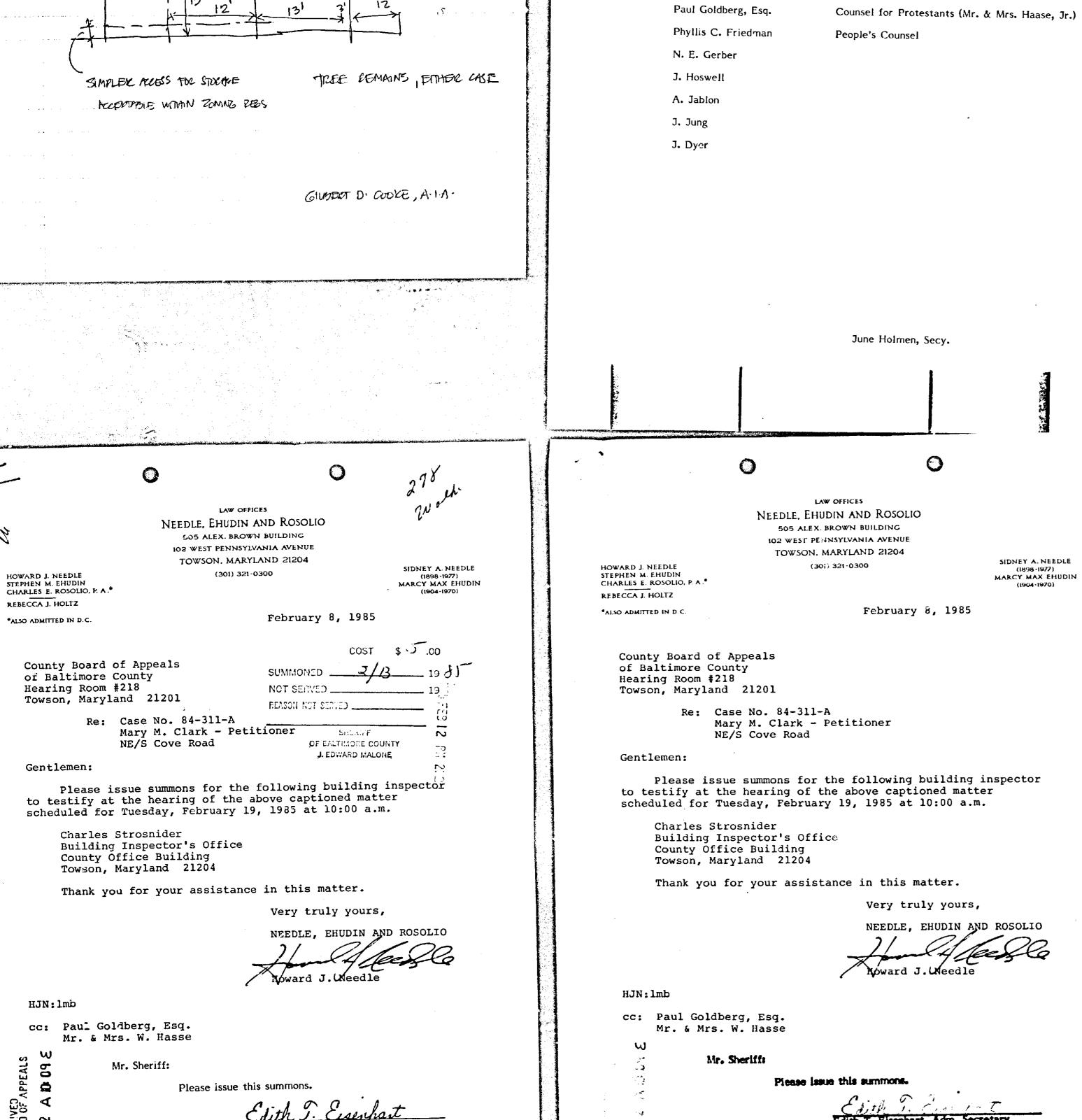
AJ:CKR:eoh

cc: Mr. Joseph Nolan Building Engineer

Zoning Enforcement Section



of Baltimore County



County Board of Appeals of Baltimore County

Tobson, Maryland 21204 (301) 494-3180

November 19, 1984

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT

REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-

MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-

CASE NO. 84-311-A

ASSIGNED FOR:

cc: Mary Clark

William Hooper, Jr., Esq.

Howard J. Needle, Esq.

ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL \$59-79

MARY M. CLARK

(8418 Cove Rd.)

12th 'rict

Petitioner

NE/S Cove Rd., 445' E of the c/l of Stansbury Rd. (extended)

10/17/84 - Z.C.'s Order - Part dismissed;

TUESDAY, FEBRUARY 19, 1985, at 10 a.m.

Counsel for Protestants (Mr. & Mrs. Haase, Jr.)

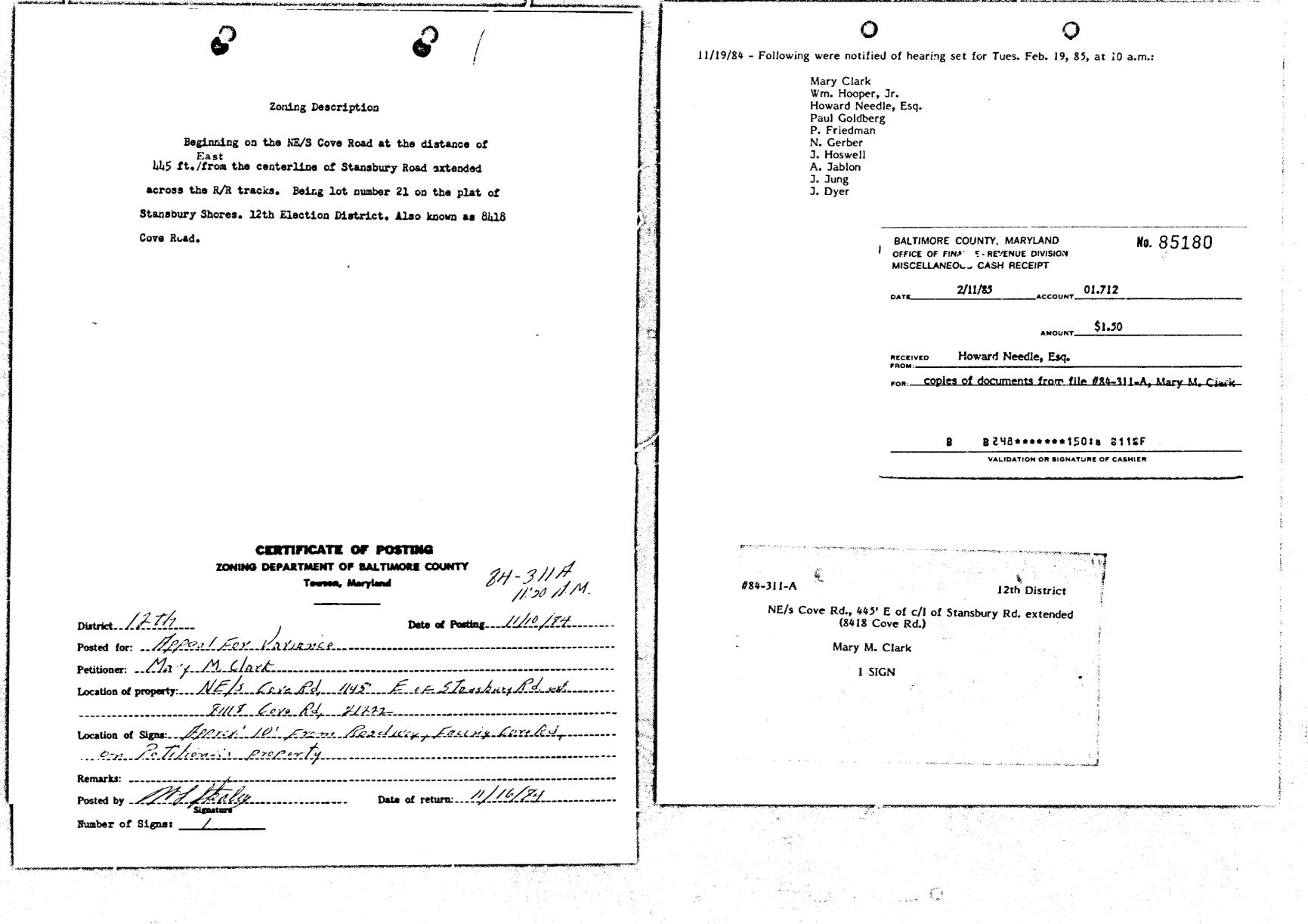
Part denied

Variance-Accessory structure

Counsel for the Petitioner

of Baltimore County

Room 200 Court House (Hearing Room #218)



8418 Cove Road Baltimore, Maryland 21222 April 11, 1985 Mr. Keith Franz Room 200 Court House Towson, Maryland 21204 RE: Case Number 84311A Dear Mr. Franz: A hearing with the Board of Appeals was held on February 19, 1985 for a Zoning Variance on a shed on my home property at the above address. I am still retaining a lawyer until you reach a decision and I am therefore wondering how much longer until this decision is reached. Mr. Haase, the other person involved, has so far taken it upon himself to errect an anchor fence with no permit on my property (proven by a survey) and is getting more surly every day. Seems we cannot do anything about its removal through the county offices so a Civil Suit is impending. As you can see what I must deal with, I hope to clear up this hearing before taking further action. Please, any expedience you can give to this case will be greatly Mrs. Mary S. Petr Phone numbers at home

301-282-1028

at work 301-962-9251

BEFORE IN THE MATTER OF THE APPLICATION OF COUNTY BOARD OF APPEALS MARY M. CLARK FOR A VARIANCE ON PROPERTY LOCATED ON THE NORTHEAST SIDE OF COVE RD., BALTIMORE COUNTY 445' EAST OF THE CENTERLINE OF STANSBURY RD. (EXTENDED) No. 84-311-A (8418 COVE ROAD) 12th DISTRICT OPINION This case comes before the Board as an appeal from the Order of the Zoning Commissioner of Baltimore County, dated October 17, 1984, which in part denied and in part dismissed variances requested by the Petitioner. The dismissed request for variance sought relief from the setback requirements contained in the Baltimore County Zoning Regulations (BCZR), Section 400.1, and the denied variance sought relief from Section 400.3. These variances were requested so as to allow the property owner to retain a second story addition to her accessory structure. Additionally, the Zoning Commissioner ordered that the subject addition to this property may remain, subject to restrictions. Rarely has this Board entertained an appeal where the parties were so hostile toward each other. The general area wherein this property is located is zoned M.L. and is not aesthetically pleasing in the traditional residential sense. Nonetheless, both the Petitioner and Protestants have employed legal counsel and engineering experts, obviously at some expense, to contest the propriety of the storage shed addition. It is unfortunate that this issue could not be resolved amiably by the parties. In any event, the testimony in this case was long and merits review.

The Petitioner, Mary M. Clark, testified. Although her memory as to recent

history of this property.

developments was at times unclear, she was able to provide background as to the

.

JUL 29 mm

Mary M. Clark Case No. 84-311-A

She and her husband, who is now deceased, purchased this waterfront property approximately 35 years ago. In 1951, they constructed a residence which remains to this date. In the years between the date of construction and 1970, the residence was used as a summer home to entertain and for relaxation. In 1970, after Mr. Clark's death, Mrs. Clark moved into the house year round. She remained in the home until 1978, when she moved out, in order to make room for her children and their families, who are the current residents.

The requested variance pertains to a shed measuring 10' x 36', which is located on the rear property line located on Cove Road. The side of the shed is nine inches from the property line of the Protestants, Mr. and Mrs. Haas. The proximity of the shed to the side property line is in violation of the current set-back requirements of the BCZR, Sec. 400.1; therefore, a variance was requested.

The reasons for the construction of this concrete block shed, which occurred in 1952, were twofold. First, because the house does not contain a basement and only a small attic, the shed was built to provide room for storage. Also, the shed was built for use as a bath house. When Mrs. Clark moved into the property full time, bringing with her many of the belongings from the family's winter home, this storage space was needed even more.

Mrs. Clark also testified as to the shed's second story addition, which is the subject of this appeal. This addition, on which construction began in 1983, was originally intended to serve as an apartment for Mrs. Clark. Later, when objections were made by the Protestants and the County, the Petitioner decided that the addition would be used only for storage. Although it strained credibility, Mrs. Clark testin. I that the storage needs of her family necessitated the second storage addition. This opinion was offered despite the size of the addition, which the Board believes is excessive for the stated purpose and the design of the second story addition, which would cause obvious difficulty in attempting to store any items up the steps and on the second floor.

Mary M. Clark Case No. 84-311-A

These claims for needed storage area were echoed in the testimony of Mrs. Clark's son, Louis J. Clark. Mr. Clark testified that in June, 1983, he commenced work on the shed in order to repair its leaky roof. In order to replace the worn roof, Mr. Clark took rather drastic measures. On top of the existing roof, he constructed a concrete roof of several inch thickness. Additionally, this construction measured 18' x 36', therefore overlapping the existing shed by approximately eight feet. This overage was supported by three large brick columns. Although Mr. Clark testified at this construction was initially intended only to serve as a replacement for a defective roof, the resulting concrete base/roof could accommodate and support a second story addition, which was in fact later added. After construction of this roof replacement, Mr. Clark belatedly applied to the County for a building permit. A permit was issued, allowing for the construction of an addition to the side of the existing shed. When construction continued on the second story addition, two stop-work orders were issued by the County for construction not in compliance with that allowed by the permit. In that over 80% of the second story addition was completed, the County allowed the addition's roof to be completed so as to prevent damage by the elements. Thus, the addition presently is in a state of limbo, not fully completed, yet in substance, nearly done. The roof line of this addition is, at the average, 18'4" high.

Additionally, Mr. Clark testified that to reduce the height of the addition to 15', as restricted by the Zoning Commissioner, would be unrealistic, as the necessary roof angle would make the inside of the shed unusable.

Also testifying during the Petitioner's case, was the brother-in-law of the Petitioner, Mr. William Omay, and two neighbors, Frances Calp and Alice Miller. Mr. Omay testified as to the structural integrity of the original shed, which he helped build. The neighbors indicated that they had no objection to the addition.

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Mary M. Clark Case No. 84-311-A

In opposition to the addition, the Protestant, Norma J. Haas testified. This long time neighbor believes that the vertical addition blocks her view and sunlight, causes water run-off on her property during rain storms, and may contribute to termite infestation to her garage, which is immediately adjacent to the shed. She also testified that property values would be adversely affected by this construction. However, she had no professional opinion to support her opinions and admitted that the original shed has been on the property and part of the neighborhood for many years.

Also testifying for the Protestants was Frieda Zeberlein, a neighbor who opposed the addition, and Charles Strosnider, Jr., of Baltimore County. Mr. Strosnider testified as to the work permits issued by the County, which allowed a horizontal expansion and the resulting stop-work orders when the County learned that the addition was not being constructed as permitted.

The final two witnesses before the Board were experts in the field of architecture and land use planning. An expert appeared for each side and it was their testimony on which this Board greatly relied. Both experts provided excellent testimony as to County regulation and the practicalities of this specific property.

On behalf of the Petitioner was George Gavrelis. Mr. Gavrelis stated his understanding of the regulations governing this accessory structure.

These regulations set forth the requirements for area, set-back and height.

Under the provisions of the BCZR, Section 302, height and area regulations for this M.L. zoned property are governed by the regulations which are applicable to the predominant residential zone adjacent, in this case, D.R. 5.5.

Mary M. Clark
Case No. 84-311-A

Under the applicable regulation, an accessory building "shall be located in the rear yard and shall occupy not more than 40% thereof".

(B.C.Z.R. Sec. 400.1)

Based upon the shed's dimensions, it was Mr. Gavrelis's conclusion that this accessory structure's footprint area was in compliance with Sec. 400.1. We agree.

Secondly, insofar as setback requirements, because this shed was built prior to the adoption of that portion of the B.C.Z.R., Sec. 400.1 providing setback limitation, and because the addition was a vertical extension, Mr. Gavrelis and the Zoning Commissioner concluded that a variance for the setback requirements is not required. Here too, we agree, therefore affirming the Zoning Commissioner's dismissal of the variance requesting relief from setback requirements.

Thus, the final issue on which the case turns is whether a variance on the height requirement must be granted. This height limitation is found in the B.C.Z.R. Sec. 400.3, and which provides that an accessory structure cannot be higher than 15 feet. In support of the height variance, Mr. Gavrelis opined that expansion of the shed addition horizontally would be impractical due to flood plain restrictions. Under these restrictions, the 1st floor on the addition must be a minimum of 10.4 feet above sea level. In that the existing shed floor, which was built prior to these flood plain restrictions, is only 7.9 feet above sea level, Mr. Gavrelis stated that a horizontal addition would be impractical because the floors of the shed and its addition would be some 2.5 feet apart. Additionally, this expert witness stated that horizontal expansion would necessitate the removal of a long standing tree in the yard, which is aesthetically pleasing.

Mary M. Clark Case No. 84-311-A

Finally, Mr. Gavrelis believed that allowing the second story addition was the only practical alternative and would not cause any detriment to the neighborhood.

The testimony of the Protestants' expert, Gilbert Cook, directly contradicted that of Mr. Gavrelis. Mr. Cook suggested what he labeled "two viable alternatives" to the present expansion. The first was to make the addition horizontal to the existing shed, as was allowed by the permit. Although the flood plain restrictions would cause a raised floor level, this could be achieved by building the addition on piers, which could then be hidden by extending the outer walls. In the alternative, another shed could be constructed elsewhere on the property. Either of these alternatives, according to Mr. Cook, would be better architecturally and from a practical standpoint more preferable to the current expansion which is of poor design and utility.

The standard in determining whether a variance should be granted has been set forth by the appellate courts of this state under a practical difficulty test. Under that test, three factors must be considered in determining whether practical difficulty exists and hence, the variance should be granted. These factors

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to the applicant as well as other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v Board of Appeals of Town of Chesapeake Beach, 22 MD. App. 28 (1974).

Clark

Mary M. Clark
Case No. 84-311-A

In our view, the Petitioner has failed to meet the standard enunciated in Anderson and therefore her petition for a variance must fail.

As noted earlier, the necessity of this addition for storage purposes is questionable. However, even if there is such a need, there are several alternatives other than an upward expansion. As Mr. Cook indicated, a horizontal expansion is not only possible, but preferable. Such an expansion would be permitted under the County's current regulations and, as such, should be favored over the requested petition for variance. Even Mr. Gavrelis, the expert for the Petitioner, conceded that an adoption of Mr. Cook's proposed expansion is architecturally possible. We therefore affirm the Zoning Commissioner's reasoning in denying this variance and hold that there is no practical difficulty because there are viable alternatives to the proposed expansion.

There also exists a question as to the hardship and loss which may result to the Petitioner in view of our decision. However, we again concur with the reasoning and result reached by the Zoning Commissioner. In this case, any hardship was self-created. The subject addition was constructed without County approval and later, when permits were obtained, in contravention of the terms of those permits. We must view this petition for variance in the same light as if no construction had taken place and not use the self created hardship as a reason for granting the requested relief. Noted the Maryland Court of Appeals in Salisbury Board v Bounds, 240 MD. 547, 214 A 2nd 810 (1965), "The hardship here relied on was entirely self-created and the Board properly refused to allow it to be used as a fulcrum to lift, by way of a variance, the valid limitations imposed by the . . . Code".

Finally, much of the Petitioner's testimony concerned the surrounding community and that, due to its character, this construction could not be considered as having an adverse impact.

Mary M. Clark

communities would be improper.

Case No. 84-311-A

Again, we disagree and affirm the reasoning and conclusions of the Zoning Commissioner. The language of the B.C.Z.R. Sec. 400, et seq. is clear and unambiguous and should be enforced. To grant this variance only because the surrounding community is not as aesthetically pleasing as other residential

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 30 th day of April , 1985, by the County Board of Appeals, ORDERED that the variances to permit a side yard setback of nine inches and a rear yard setback of zero feet rather than the required 2½ feet for an existing accessory structure, are hereby DISMISSED; and

IT IS FURTHER ORDERED that the variance to permit an average height of 18' 4" instead of the required 15 feet, is DENIED; and

IT IS FURTHER ORDERED that the Order of the Zoning

Commissioner of Baltimore County, dated October 17, 1984, be and is hereby

AFFIRMED in its entirety.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

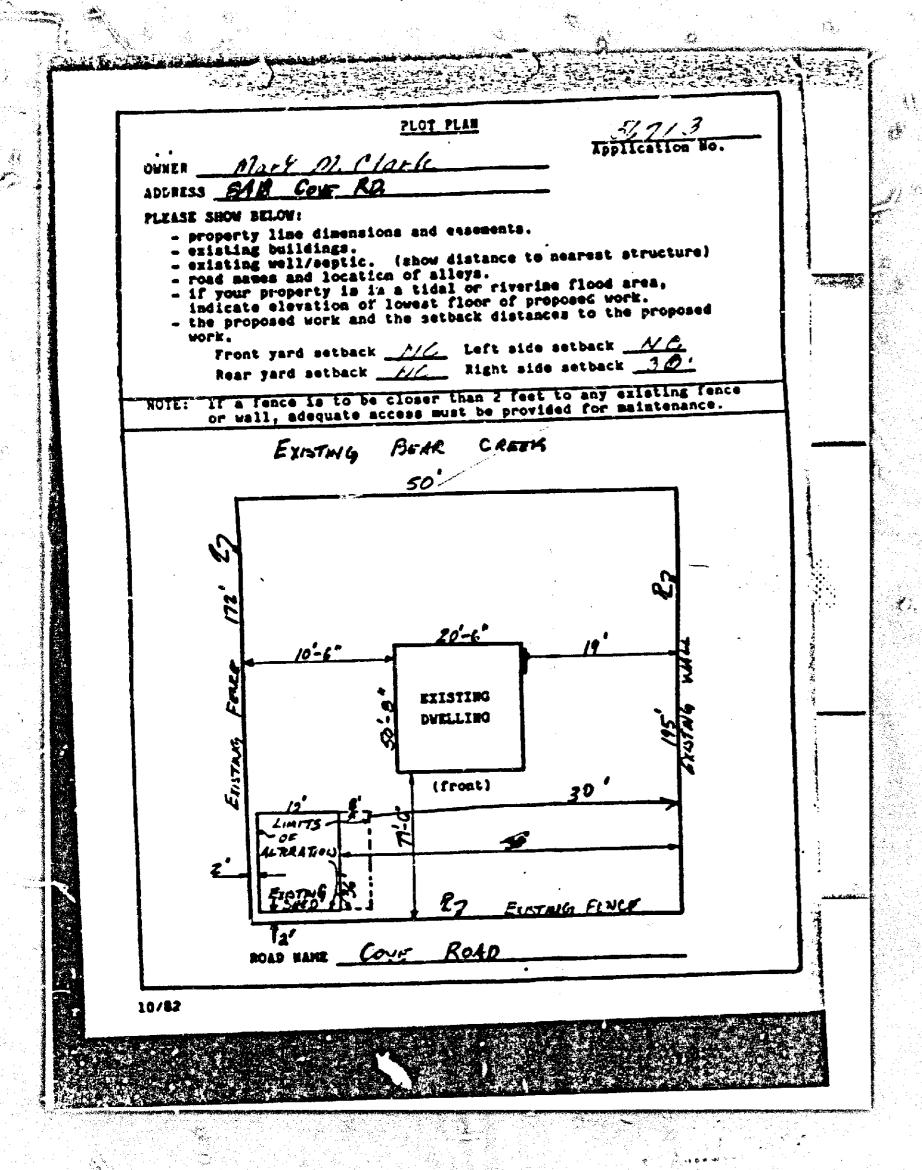
Keith S. Franz, Acting Chairman

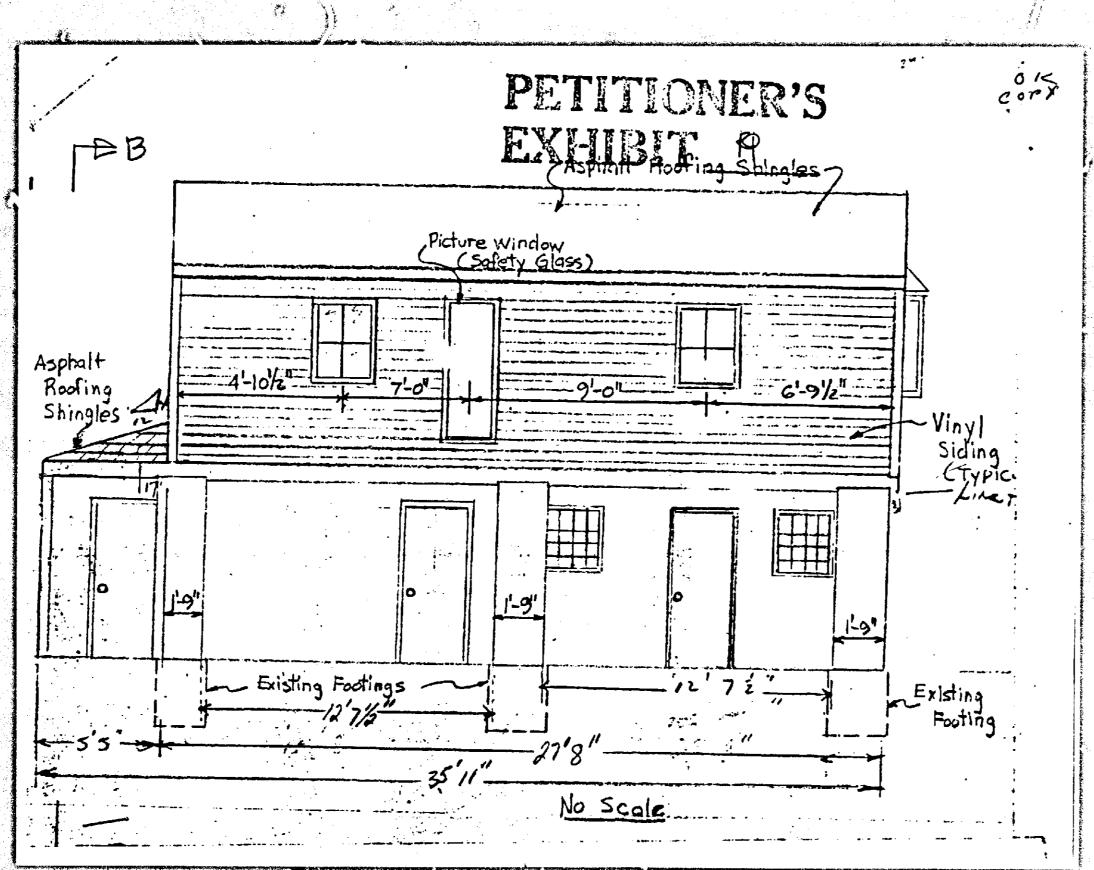
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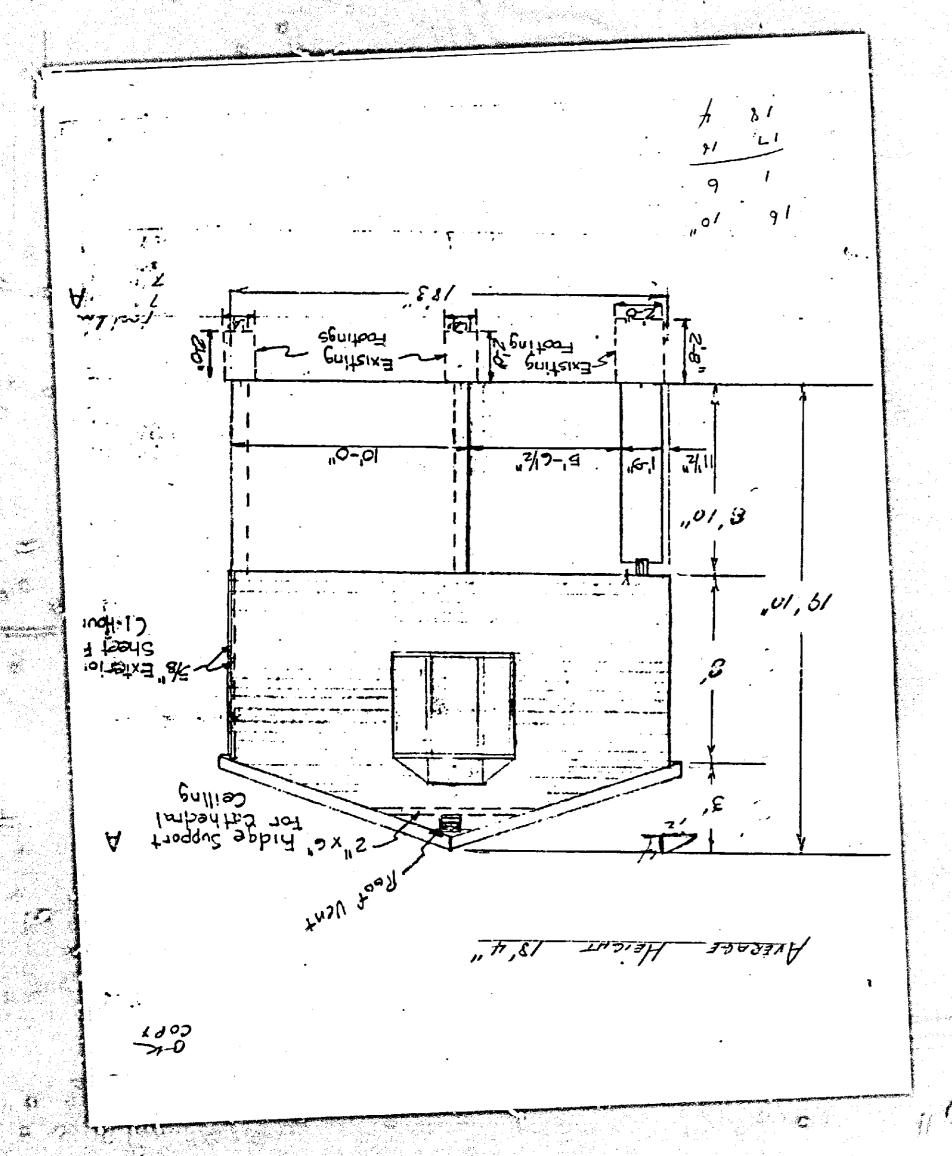
COUNTY BOARD OF APPEALS

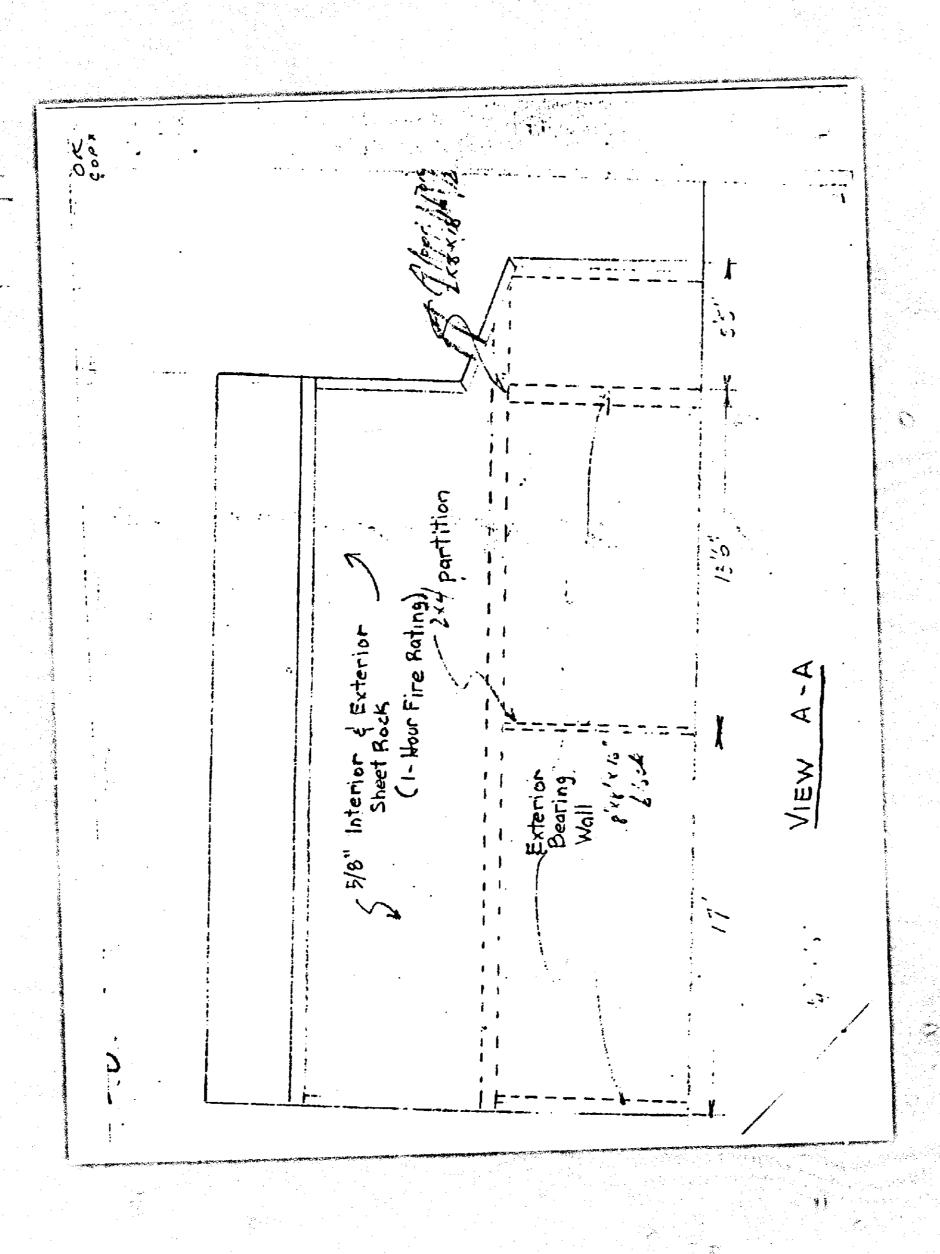
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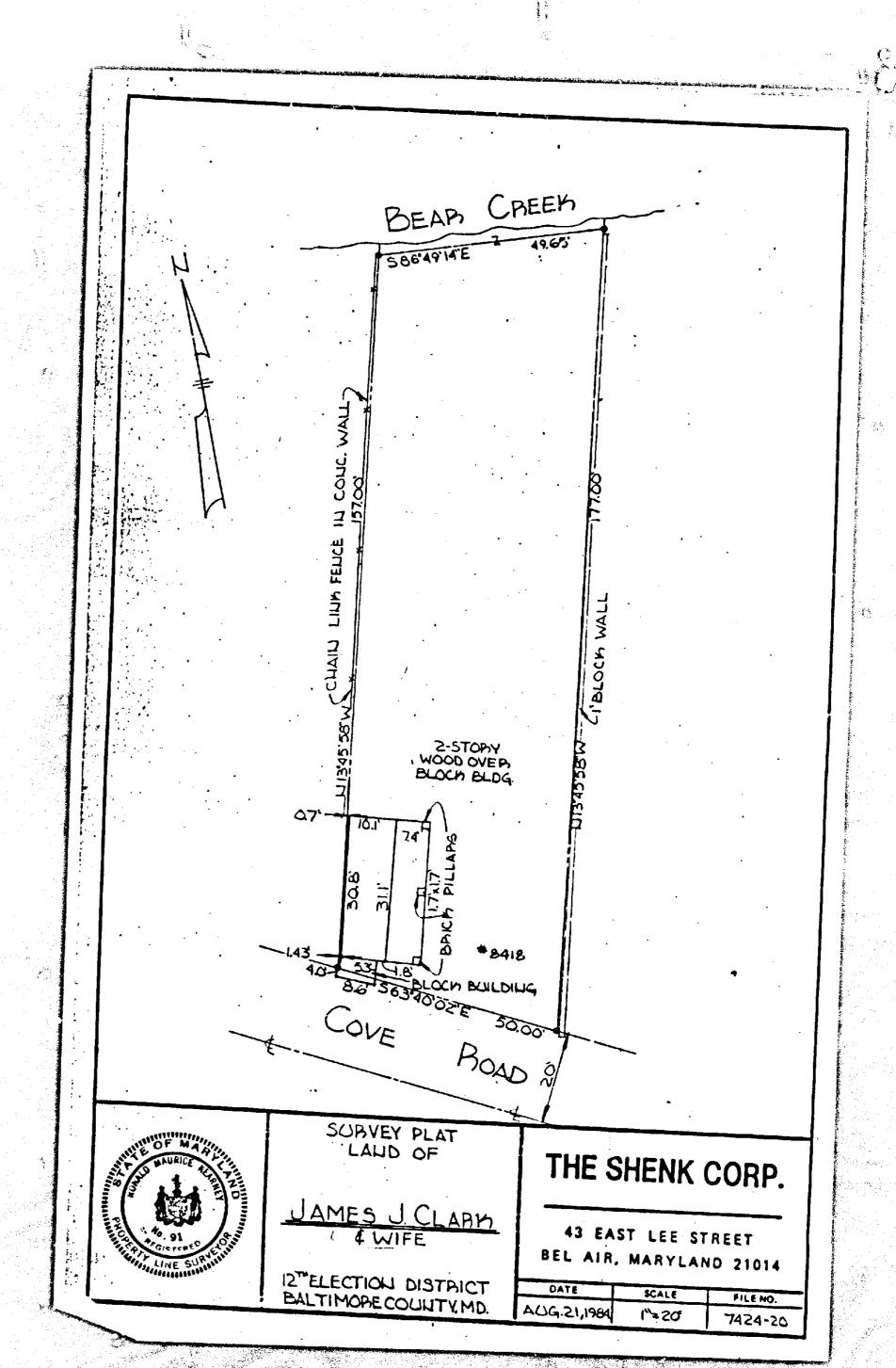
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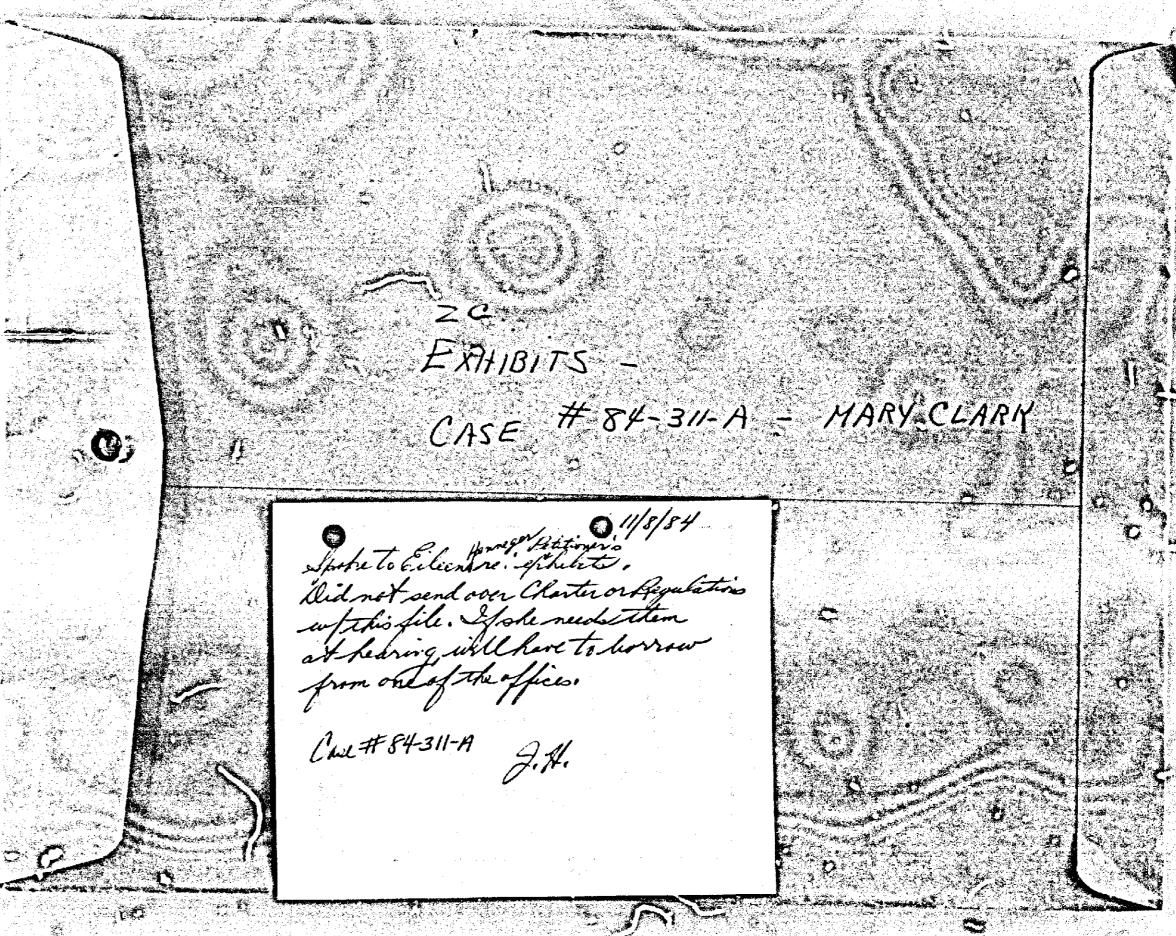






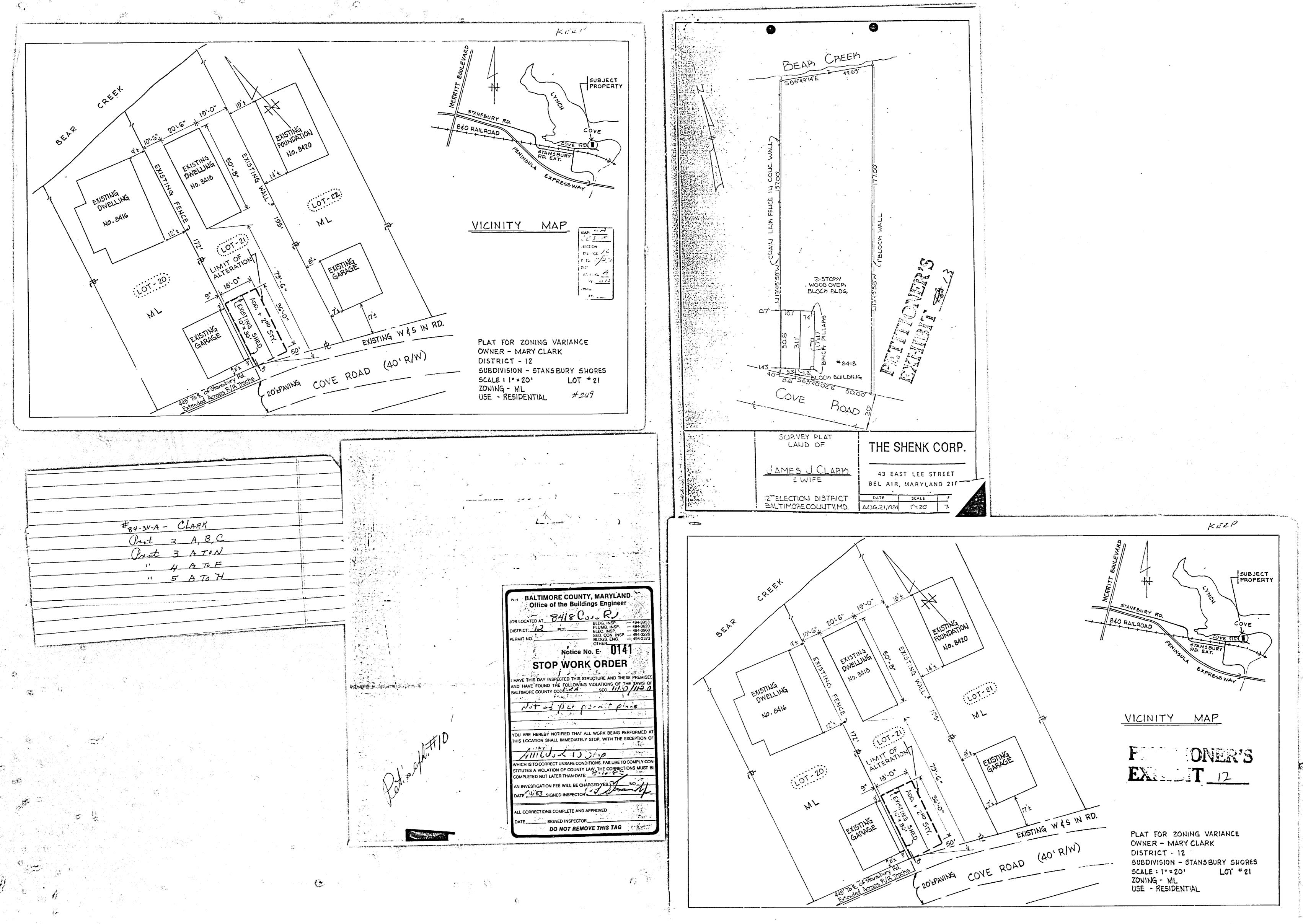


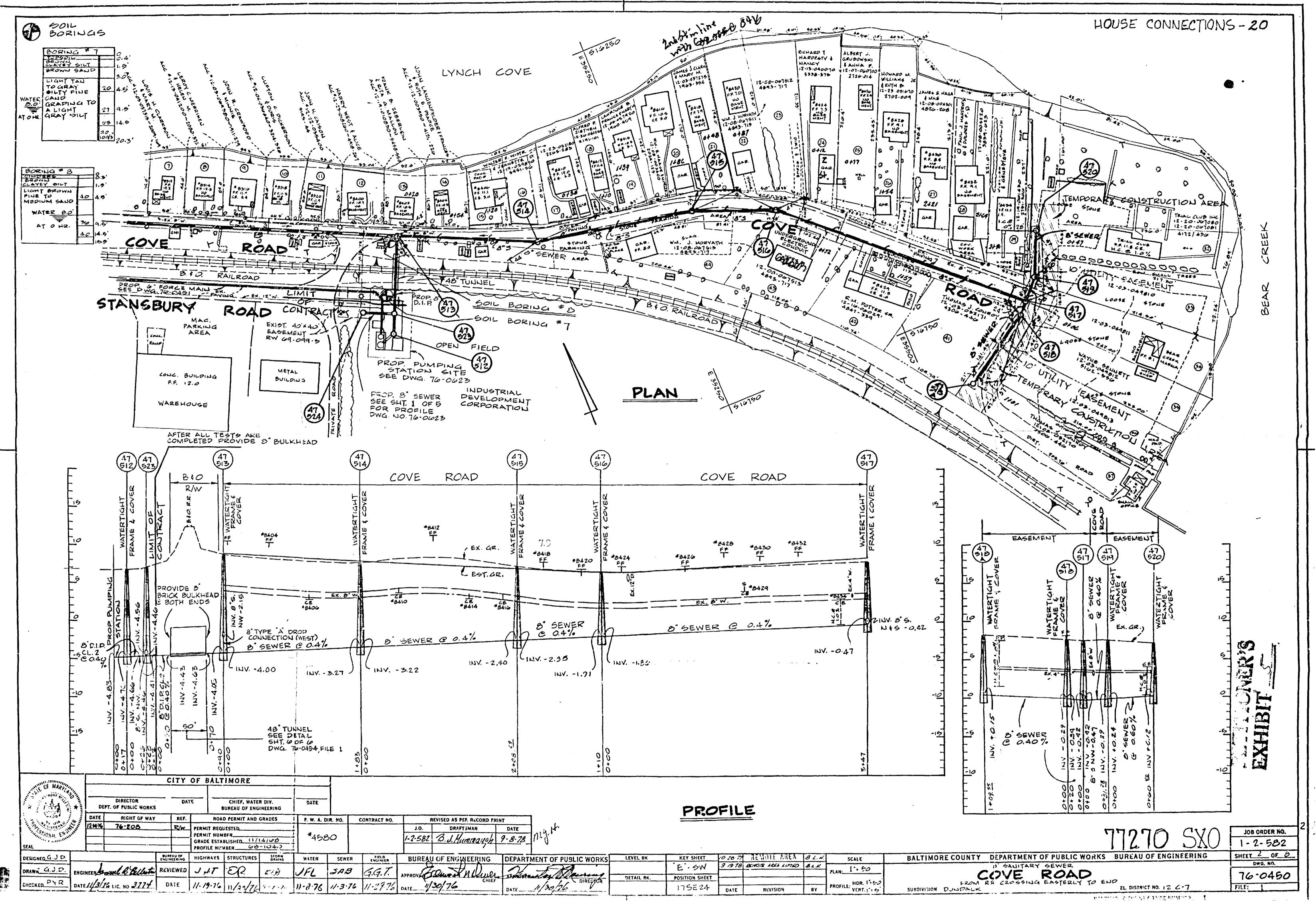


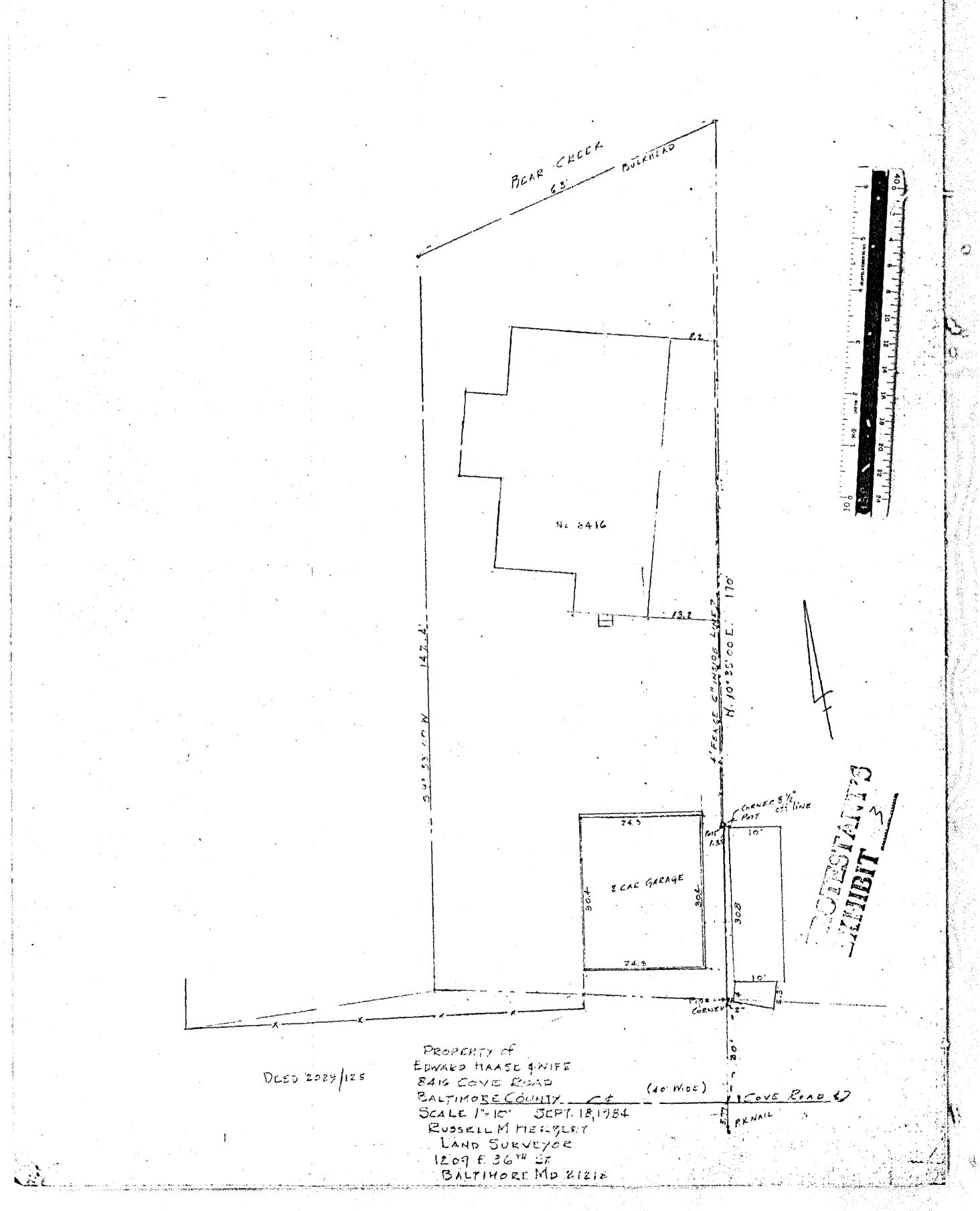


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Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES

TOWSON, MARYLAND 21204

Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning

Acres: 50/50 X 172/195

Comments on Item # 249 Zoning Advisory Committee Meeting are as follows:

Property Owner: Mary M. Clark Location: NE/S Cove Road 445' E. from c/l Stansbury Road extended

All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 **INTERNATION STORES TO A STATE OF THE STORES OF THE

B. A building & other / miscellaneous required before beginning construction.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

construction, no openings permitted within 3.0 of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2.

F. Requested variance appears to conflict with the Baltimore County Building Code,

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to

this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

Comments- Windows will not be permitted in either story on the west wall. This wall is required to be a minimum of 1 hour fire resistant construction. See

MOTE: These comments reflect only on the information provided by the drawings sub- 103.4 of the

also Section R-211 of the One & Two Family Code or Section 809.3 of the 1981 B.O.C.A. Code for requirements if sleeping rooms are involved. Also the finish floor levels of the structure would have to be in compliance with Section 519. (Tidal Inundation Areas) of Bill 4-82. See Section 504.2 and

mitted to the office of Planning and Zoning and are not intended to be con1981 B.O.C.A.

application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

NOTE _____ C. Residential: Three sets of construction drawings are required to file a permit

SPECIAL NOTE -- E. An exterior wall erected within 6'0 for Commercial uses or 3'0 for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive

Proposed Zoning: Variance to permit an existing accessory structure to be within 9" to the side and 0" to the rear property lines in lieu of the required 2½' and to permit an average height of 18'4" in lieu of the required 15'.

County Office Building Towson, Maryland 21204

day of ______, 19 _____, that the herein Petition for Variance(s) to permit

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Contract to the second terms of the

Company of the

March 27, 1984

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204

STEPHEN E. COLLINS DIRECTOR

April 16, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Item No. 240,241,242,243,244,246,247/249) and 250 Meeting of March 27, 1984 Property Owner: Location: Existing Zoning: Proposed Zoning:

Acres: District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 240,241, 242, 243, 244, 246, 247, 249, and 250.

Traffic Engineering Assoc.

MSF/ccm

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS BILL 4-82 BALTIMORE COUNTY BUILDING CODE 1981

EFFECTIVE MARCH 25, 1982

SECTION 519 A section added to read as follows:

SECTION 519.0 CONSTRUCTION IN AREAS SUBJECT HAZARD TO FLOODING

519.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tidewaters, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100 year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal flood Insurance study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent floation, collapse, or lateral movement of the structure with materials resistant to flood damage.

2. Crawl space under buildings constructed in the Tidal Plain, as determined by the U.S. Army Corps of Engineers or the Federal Flood Insurance study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require onsite waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

519.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be constructed within the 100 year flood plain of any watercourse. The 100 year flood plain shall be based upon the Federal Flood Insurance study or the Department of Public Works, whichever is the more restrictive; this determination shall include planned future development of the watershed

2. Reconstruction of residential dwelling units shall be governed by Sections 106.0 or 123.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 519.1 of this section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 519.1 when damage exceeds 50 percent of physical value.

Form 02-82

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon, Zoning Commissioner TO Office of Planning and Zoning April 6, 1984

FROM Ian J. Forrest SURJECT Zoning Variance Items

> The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

Meeting - March 27, 1984

Item #245 - State of Maryland (State Universities and Colleges

/ Item #249 - Mary M. Clark

Item #251 - Replay Limited, Inc.

Meeting - April 3, 1984

Item #255 - Betty H. Gamewell

Item #257 - Michael P. Janicki

BUREAU OF ENVIRONMENTAL SERVICES

IJF/fth

RE: PETITION FOR VARIANCES NE/S Cove Rd. 445' E of the Centerline of Stansbury Rd. : (extended) - 8418 Cove Rd.,

12th District

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

MARY M. CLARK, Petitioner : Case No. 84-311-A ;;;;;;

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllic Cole. Freidman Phyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House Towson, MD 21204 494-2188

I HEREBY CERTIFY that on this 24th day of April, 1984, a copy of the foregoing Entry of Appearance was mailed to Mary M. Clark, 8418 Cove Road, Baltimore, MD 21222, Petitioner.

SALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON MARYLAND 21204-2586 494-4500

PAUL H. REINCKE CHIEF

March 27, 1984

Mr. William Hammond Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Mary M. Clark

Location: NE/S Cove Road 445' E. from c/l Stansbury Road extended

Item No.: 249

zoning Agenda: Meeting of 3/27/84

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the

Fire Prevention Code prior to occupancy or beginning of operation. (χ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 *Life Safety Code*, 1976 Edition prior

() 6. Site plans are approved, as drawn.

to occupancy.

() 7. The Fire Prevention Bureau has no comments, at this time.

Special Inspection Division

IN THE MATTER OF:

REQUEST FOR ZONING VARIANCE

AT 8418 COVE ROAD, BALTIMORE COUNTY, MARYLAND

PETITION

WE, the owners of the property listed after our names, do wish to register our protest against the zoning variance requested for the property located at 8418 Cove Road:

W. E. Hanse. 8416. Cove Rd 5/3/104 Varne a Semett 8500 covs 20 Ruth E. Pearce 8404 Core Rd

IN THE MATTER OF: James J. Clarke (SON) 1 1209 (PENN AVE 21236 REQUEST FOR ZONING VARIANCE Case No. 84-311-A AT 8418 COVE ROAD, BALTIMORE COUNTY, MARYLAND **PETITION** Frances R. Calp 8420 Cove Pd. 21222 WE, the owners of the property listed after our names, do wish to register our protest against the zoning variance he centerline of Stansbury requested for the property located at 8418 Cove Road: Mr Mary M. Clark (owner) 3022 Hallford De ap! O. Belt med 21222 Petitioner # * * * * * * * * * * Hardesty 8434 love Raid 5-10-84 Mary S. Pets (clark & daughter) 8418 Core Rd FINDINGS OF FACT AND CONCLUSIONS OF LAW The Petitioner herein requests variances to permit an accessory structure to be located nine inches from the side and zero inches from the rear property Balto., Md 21222 lines instead of the required 2½ feet and to permit an average height of 18 feet 4 inches instead of the required 15 feet, as more particularly shown on Peti-8418 Cove Pd. tioner's Exhibit 12. Z-STORY WOOD OVER The Petitioner appeared and testified and was represented by Counsel. Tes-Balto. Md 21222 (son in-law) tifying for the Petitioner were Louis Clark, her son; George E. Gavrelis, an BLOCK BLDG. expert planner; and Frances Calp, the neighbor to the immediate east. Mr. and Mrs. William Haase, neighbors to the immediate west, appeared as Protestants and were represented by Counsel. Charles Stroesnider, a Baltimore County building inspector who is familiar with the subject site, was called by the Protestants William St. O'Mary 203 S. BOULDIN ST to testify as a witness. Testimony indicated that the subject property is located in an M.L. Zone. The Property and those surrounding it are residential although there is a BALTIMORE, MO. 21224 50.00 strong mixture of commercial and industrial uses in the area. The homes on BOAD ~ the lots front Bear Creek. the Petitioner has owned Lot 21 for 35 years. She and her husband con-NEEDLE, EHUDIN streed their home there in 1951 or 1952. About a year later, Mr. Clark built SUBVEY PLAT 0' x 36' shed directly on the rear property line which faces Cove Road and THE SHENK CORP. LAND OF approximately nine inches from the west side property line which separates Lot JAMES J. CLARY 43 EAST LEE STREET 4 WIFE BEL AIR, MARYLAND 21014 DATE SCALE FILENO. 12"ELECTION DISTRICT BALTIMORE COUNTY, MD. A13G.21,1984 1=20 7424-20 21 from Lot 20, the Haases' property. For over 30 years, both neighbors, at the

Mrs. Clark maintained that the shed and its new second story would be used solely for storage. The Haases believe it will be used for living quarters regardless of what she says and no matter how illegal it may be. Mrs. Clark pointed out that there are no toilet facilities although plumbing exists.

The Haases have lived on their property since 1952. They claimed that they did not verbally object to the construction of the shed but have kept this objection bottled up and are now ready to burst forward at the expense of the new addition. They complained that water has always run off the shed onto their property, causing them problems. They have a two-car garage located about three feet from the side property line in contention here. Photographs introduced by the Protestants clearly show how close the two accessory structures are to each other. The Haases testified that as a result of the run-off problem, they had to place a concrete pad which slants to the Petitioner's property between the garage and the property line in an attempt to keep the run- off from causing damage to their garage. They also complained that the addition blocks light and air which they have an absolute right to enjoy and now causes dampness in the garage and perhaps even termites. They also believe property values have decreased as a result. Mr. Haase believes that his property was worth about \$150,000 prior to the addition and is now worth about \$140,000. However, he admits he has no basis upon which to compare.

rs. Ca'p directly contradicted this testimony. She lives on the opposite side nof the Petitioner and purchased her property three years ago for \$50,000. She believes her property, slightly larger than both the Petitioner's or the property but with only one building (a garage converted to a and does not helieve there will be any adverse impact on the community. The Protest opposition. The Protestants presented a petition, rotestants' Exhibit 10, signed by many in

- 3 -

Mr. Gavrelis testified that the present home on the site is small and cannot be expanded. Although there are homes with basements in the area, including the Protestants' home, it certainly would be difficult and impractical to construct one. The Protestants admit this is not a practical alternative. Mr. Gavrelis further testified that there are other two-story structures in the neighborhood and that this addition would be compatible. Simply, this is no more than a vertical expansion of what is already there.

The Protestants argued that the new roof extends about ten inches over the property line onto their property. They further argued with some justification that an addition to the side of the existing shed could be a practical alternative. Although no finished floor can be constructed below an elevation of 10.4 feet in a tidal or riverline area, the elevation here is 10.4 feet. Therefore, an addition could be constructed to the side although the floor would not be $i\pi$ line with the existing shed, which is only 7.9 feet above sea level. Because of this, the Petitioner believes that this alternative is not practical; the addition would have to be elevated about three feet above the shed.

The Petitioner maintains, and is supported by Mr. Gavrelis, that a practical difficulty would exist if the variances were denied. They further argued that the spirit and intent of the Baltimore County Zoning Regulations (BCZR) would be satisifed if the variances were granted and that the general health, safety, and welfare would not be adversely affected. The Protestants totally disappeed and particularly stressed the structural inadequacies of the existing shed which forms the foundation of the addition. Of course, as the building inspettor pointed out, the latter will be considered at the time the structural planta are filed by the Petitioner before the building permit is approved if these variances are granted. As no expert testimony was presented or offered by the Protestants, only opinion and belief, there can be no finding at this time that the health, safety, and welfare of the community will be harmed.

- 4 -

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 84-311-A

The Petitioner seeks relief from Sections 400.1 and 400.3 (302), pursuant

The setbacks for the existing shed are nonconforming. Pursuant to Section VI.A.5, 1945 BCZR, setbacks were not required at the time the shed was con-

Long-standing policy has been that if additions to nonconforming setbacks in residential zones are desired, a property owner can extend the existing setback, within reason, provided any such setback does not come closer to the property line. Here, the expansion is up, not out, and there is no change to the existing rear or side property line setbacks. Although the property in question is not zoned residential, Section 302, BCZR, requires that the height and area regulations of the predominant residential zone immediately adjoining or, if none, the D.R.5.5 Zone govern the erection of all residences in business and manufacturing zones. While Section 302 specifically refers to homes constructed after the adoption of the 1955 BCZR, it is obvious that any addition and/or accessory structure constructed thereafter must also be governed by the immediately adjoining residential zone or D.R.5.5 Zone, if applicable. Therefore, even though this is an M.L. Zone, the uses involved here are residential and the policy must be read in conjunction with Section 302. In effect, the Petitioner neets no variances from the side or rear yard property lines inasmuch as they are nconforming and there has been no change or extension of them.

Glowever, the new addition extends higher than allowed, and Section 400.3, which restricts the height of accessory buildings to 15 feet, must be sat-BCZR. The new addition raises the average height of the shed to 18 feet 4 inches. Although the setbacks may not require variances, the new height does.

- 5 -

The Petitioner's son and son-in-law began construction immediately. Unfortunately, they misconstrued, either through ignorance or on purpose, the permission received from Baltimore County. Indeed, the permit application only allower for construction of an addition to the side of the existing shed and the constituction actually performed was a second-story addition. The latter was not the subject of the permit, and therefore, was illegal. It is now more than 80% complete.

80% complete.

Strong point, the Pet Stroesnider visited the site and issued two stop-work orders. At that point, the Petitioner submitted a second permit application, but it was then determined that variances would be required. The second permit has not been issom pending the outcome of this hearing.

decision difficult to render.

very best, have co-existed and, at the very least, have accepted with hostility

the continuing controversy over the location of this shed. The Protestants have

complained, probably only to themselves, over the years that the Clarks usurped

some of their property, and not until a survey was ordered by the Zoning Commis-

sioner after the first day of testimony was this source of continuing acrimony

resolved. In fact, surveys conducted independently by both parties agreed that

the shed is approximately nine inches from the side property line. It is unfor-

tunate that such obvious bitterness exists between neighbors which makes this

Clark's death in 1971, the Petitioner permanently moved onto the property. The

shed was used for storage and as a bathhouse. Mrs. Clark's daughter and son-in-

law live on the property, and there is a serious need for more storage space

because she still keeps much of her furniture and personal goods on the site.

It was determined that an addition to the shed would solve this problem. In

July, 1983, the Petitioner applied for a building permit which was approved.

- 2 -

The house was originally constructed as a summer home, but after Mr.

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